



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



In the matter of: )  
 )  
 REDACTED ) ISCR Case No. 15-01963  
 )  
 Applicant for Security Clearance )

**Appearances**

For Government: Eric H. Borgstrom, Esq., Department Counsel  
For Applicant: John F. Adamson, Personal Representative

05/10/2016  
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**Decision**  
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MATCHINSKI, Elizabeth M., Administrative Judge:

Applicant became seriously delinquent on his child support and some consumer credit obligations because of unemployment or low income. He incurred non-covered medical debt in 2014 when he was on workers' compensation for a work-related injury and following a job layoff in August 2014. He has made monthly payments since mid-2015 of \$100 toward his \$37,290 in child support debt and of \$25 toward his medical collection debt. He is likely to continue those payments. Clearance is granted.

**Statement of the Case**

On March 29, 2015, the Department of Defense Consolidated Adjudications Facility (DOD CAF) issued a Statement of Reasons (SOR) to Applicant, detailing the security concerns under Guideline F, Financial Considerations, and explaining why it was unable to find it clearly consistent with the national interest to grant or continue security clearance eligibility for him. The DOD CAF took the action under Executive Order 10865, *Safeguarding Classified Information within Industry* (February 20, 1960), as amended; Department of Defense (DOD) Directive 5220.6, *Defense Industrial Personnel Security*

*Clearance Review Program* (January 2, 1992), as amended (Directive); and the adjudicative guidelines (AG) effective within the DOD on September 1, 2006.

On April 29, 2015, Applicant answered the SOR allegations and requested a hearing before an administrative judge from the Defense Office of Hearings and Appeals (DOHA). On October 22, 2015, the case was assigned to me to conduct a hearing to determine whether it is clearly consistent with the national interest to grant or continue a security clearance for him. On November 3, 2015, I scheduled a hearing for December 2, 2015.

I convened the hearing as scheduled. The Government offered five exhibits (GEs 1-5). GEs 1 and 2 were admitted into evidence without objection. In reliance on ¶¶ E3.1.19 and E3.1.20 of the Directive, I overruled Applicant's objections to GE 3 and GE 5, consisting of reports of his credit as of December 2012 and September 2015. I sustained Applicant's objection to GE 4, a report of personal subject interview, for lack of authentication under ¶ E3.1.20. Six Applicant exhibits (AEs A-F) was admitted into evidence without objection. Applicant and a witness testified, as reflected in a transcript (Tr.) received on December 12, 2015.

I held the record open for six weeks after the hearing for post-hearing submissions from Applicant. On January 12, 2016, Applicant submitted three documents (AEs G-I). Department Counsel filed no objection by the January 26, 2016 deadline for comment, so the exhibits were received in evidence.

### **Summary of SOR Allegations**

The SOR alleges under Guideline F that Applicant owes \$51,806 in child support delinquency inclusive of arrearage, interest, and penalties (SOR ¶ 1.a); delinquent medical debts of \$2,921 (SOR ¶ 1.b), \$532 (SOR ¶ 1.c), and \$104 (SOR ¶ 1.e) as of February 20, 2015; collection debts of \$464 (SOR ¶ 1.d) and \$356 (SOR ¶ 1.g); and a \$1,945 charged-off debt (SOR ¶ 1.f). When he answered the SOR, Applicant admitted only the \$464 collection debt in SOR ¶ 1.d.

### **Findings of Fact**

After considering the pleadings, exhibits, and transcript, I make the following findings of fact.

Applicant is a 58-year-old high school graduate with two years of technical training in welding completed in June 2012. (GE 1; AEs A, B.) Applicant worked for a defense contractor from January 2, 2013, to November 27, 2013, when he injured himself at work and was placed on workers' compensation. (Tr. 36-37.) Applicant was laid off on August 8, 2014, for lack of work he could perform. (AE D; Tr. 55.) He has recall rights for 30 months from the date of his layoff. (AE D.) If his security clearance is adjudicated favorably, he will apparently be recalled to work. (Tr. 44.)

Applicant and his current wife married in April 2004. (GE 1; Tr. 68.) Applicant has two daughters, now ages 25 and 23, from his first and second marriages, respectively. (GE 1; Tr. 65-66, 69-70.) Applicant managed a large car wash business owned by his father in their home state (state A) for some 24 years. (GE 1; Tr. 63.) His annual salary was around \$85,000, and he paid his child support for both daughters on time. (Tr. 64, 67.) His spouse also worked for the company at a salary of \$25,000. (Tr. 64.)

Applicant's parents had retired to state B by April 2007, when his father called him about an offer for the car wash business. Told by his father that he would receive about \$750,000 from the sale of the business, Applicant put his house in state A on the market, and he and his spouse took a vacation to the Caribbean to look for a possible new home. Three days into their trip, Applicant was contacted by a lawyer, who advised them to return to state A. According to Applicant, he returned home to learn that his father had sold the business for \$10,000, "when it was a \$2.3 million corporation." (Tr. 48, 71-72.) Applicant claims that his father had dementia, although that he did not realize it at the time. (Tr. 48, 73-74.) He and his spouse, who had also worked for the company, were unemployed and homeless. Their home had sold within days of its listing for sale. (Tr. 64, 71, 74.)

Applicant and his spouse moved in with his parents in state B. (GE 1; Tr. 75.) He collected unemployment compensation at \$150 a week until he exhausted his benefit. (Tr. 77.) He served as primary caregiver for his parents for only about a month or two. (Tr. 106.) His parents moved in with his sister, and Applicant and his spouse rented an inexpensive apartment. (Tr. 82.) Applicant's spouse worked part time in dining services for a nursing home. (Tr. 76.) Her take-home pay was approximately \$140 a week. (Tr. 105.) Applicant was unemployed for over two years. He "thinks" he tried to find employment, but his one job prospect did not work out. (Tr. 76.)

Applicant attended a welding program under a federal grant from August 2010 to June 2012. (GE 1; AE A; Tr. 49-50, 78.) He worked on some weekends and had on-call work with another employer. (GE 1; Tr. 50, 80-81.) His and his spouse's joint household take-home income averaged \$300 a week, but they had food and rent to pay. (Tr. 105.) Applicant did not pay his child support because of a lack of income. (GE 1; Tr. 51, 85, 108-109.) His child support obligation was \$150 a week at the time. (Tr. 77.)

Applicant earned several certifications in welding (AE A), and he completed his technical training in June 2012. (GE 1.) In application for work as a welder with a defense contractor in state C, Applicant completed a Questionnaire for National Security Positions (SF 86) on November 21, 2012. In response to inquiries concerning any delinquencies involving enforcement, Applicant indicated there was no court involved, but he owed past-due child support of approximately \$30,000. Concerning any actions taken to address the debt, Applicant reported that he had made arrangements with state A to make payments once he started work with the defense contractor. (GE 1.)

A check of Applicant's credit on December 11, 2012, showed that Applicant last paid his child support in December 2006, and that he owed child support arrearage for his younger daughter of \$15,539 as of May 2008. He owed \$1,945 on a charged-off credit card

account (SOR ¶ 1.f); \$454 in credit-card debt placed for collection in July 2012 after no payment for a year (SOR ¶ 1.d); \$356 in wireless telephone debt in collection (SOR ¶ 1.g); and medical debts in collection of \$532 from January 2010 (SOR ¶ 1.c) and \$104 from July 2009 (SOR ¶ 1.e), which were incurred when he was living in state B and had no medical insurance. (GE 3; Tr. 91-92.)

Applicant started working for the defense contractor in January 2013 at \$17.57 an hour plus a 7% shift differential. (AE B; Tr. 82.) He arranged for automatic withdrawal of \$175 from his weekly paycheck for his child support. (AE B; Tr. 51-52, 86.) After Applicant was placed on workers' compensation due to a disabling injury at work in late November 2013, he contacted state A about his child support. State A stopped collecting child support and transferred child support enforcement to state C, where Applicant resides. (Tr. 52-54.)

On August 8, 2014, Applicant lost his health insurance when he was laid off. (AE D; Tr. 55-56.) Applicant owed a medical debt of \$2,921 (SOR ¶ 1.b) that became delinquent on August 15, 2014. (GE 5.) On November 17, 2014, Applicant incurred additional medical expenses totaling \$1,254. (AE E; Tr. 57) On November 26, 2014, the debt in SOR ¶ 1.b was placed for collection. (GE 5.) In April 2015, Applicant qualified for a 50% discount for services from some providers under the hospital's financial assistance program. In April 14, 2015, his account was credited \$646, but with medical debt of \$1,301 transferred to his account, Applicant owed the hospital \$1,947.66 (not alleged in the SOR) as of April 28, 2015. On May 5, 2015, Applicant established a repayment plan at \$25 per month. Creditor records show that he owed \$1,822.66 after his October 2015 payment. (AE E.) As of December 9, 2015, Applicant owed the hospital \$1,809.<sup>1</sup> AE E shows that he made his \$25 scheduled monthly payment on January 9, 2016. His repayment plan apparently does not include the medical debt in SOR ¶ 1.b. (Tr. 94.)

Applicant made no payments toward his child support arrearage after November 2013 until May 2015 (Tr. 89), when he appeared in court in state C and his arrearage was calculated at \$37,290 (\$25,060 for child support plus interest and fees).<sup>2</sup> (AE C.) State C lowered his monthly child support payment to \$100 a month and eliminated some penalties and interest. (Tr. 53, 88.) Child support payment records show that Applicant paid \$100 a month from May 2015 through July 2015, \$50 in August 2015, \$150 on September 15, 2015,<sup>3</sup> \$100 in late September 2015 for October 2015, and \$125 on November 7, 2015. As

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<sup>1</sup> As of September 2015, Applicant's credit report showed separate medical debts from November 2014 in collection, of \$231, \$1,019, and \$693. (GE 5.) Given his testimony that his payments to the hospital do not cover the medical debt of \$2,921 (SOR ¶ 1.b) from August 2014, the \$25 payments may well be going to the \$1,943 in medical debt incurred in November 2014. Applicant testified that he just realized on December 1, 2015, that he owed separate radiology, anesthesiology, and emergency-room physician debts in addition to the hospital debt. (Tr. 57-58.) Applicant believes that the \$2,921 debt is owed to one of the three providers (Tr. 94), although he is not certain. (Tr. 104.)

<sup>2</sup> AE C shows that Applicant's second wife objected to registration in state C of child support enforcement. Her objection was overruled. It is unclear whether her objection to registration delayed Applicant's action on his child support. There is no evidence that Applicant took any steps to pay his child support on his own between December 2013 and the May 2015 court hearing.

<sup>3</sup> Applicant made only one \$50 payment in August after he learned he could pay his support monthly. (Tr. 89.)

of November 23, 2015, Applicant's child support delinquency was \$36,565 (SOR ¶ 1.a). (AE C; Tr. 54.) Applicant made additional \$100 payments on December 22, 2015, and on January 8, 2016. (AE I.)

As of September 2015, Applicant had reportedly made no progress toward resolving the \$104 medical debt (SOR ¶ 1.e) from July 2009 or the \$532 medical debt (SOR ¶ 1.c) from January 2010. The credit card debt in SOR ¶ 1.d was listed twice on his credit record: as a \$454 outstanding balance as of February 2012 but also as a zero balance with the collection agency as of December 2014. (GE 5.) His credit report of February 2015 shows that Applicant had settled the debt for less than its full balance. (GE 2.) Applicant was making timely payments of \$274 per month on an automobile loan obtained with his spouse in June 2013 for \$11,600 for a 2009 model-year vehicle. (Tr. 93.) The loan balance was \$8,348 as of late August 2015. (GE 2.) They have only the one car. (Tr. 102.)

Apparently in response to his inquiry, Applicant learned on January 8, 2016, that the \$104 medical debt in SOR ¶ 1.e was a valid debt for pathology services in July 2009. On January 11, 2016, Applicant made a \$10 payment toward the debt. (AE G.) He contacted the credit lender in SOR ¶ 1.f and was told that debt was written off. (Tr. 60.) He recently informed the wireless lender in SOR ¶ 1.g that the \$356 debt was for a company phone from his father's business. (Tr. 60, 95.)

Applicant's income on workers' compensation has been half of his previous income with the defense contractor. (Tr. 84.) He has not yet been cleared to return to full-time work. (Tr. 84-85.) Applicant would like to return to work for the defense contractor. He needs the job for financial independence, and he enjoyed working there. (Tr. 62.) He was not reprimanded or written up for any violations at work when he was employed. (Tr. 98-99.) Applicant's spouse works 28 to 32 hours per week as a food demonstrator. (Tr. 83.) They pay \$800 per month in rent, which includes utilities. (Tr. 99.) His September 2015 credit report shows that he has been making timely payments on credit-card accounts opened in February 2015 and November 2012. As of September 2015, the balances were \$559 and \$276. (GE 5.)

## **Policies**

The U.S. Supreme Court has recognized the substantial discretion the Executive Branch has in regulating access to information pertaining to national security, emphasizing that "no one has a 'right' to a security clearance." *Department of the Navy v. Egan*, 484 U.S. 518, 528 (1988). 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 required to 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 overall 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 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 that 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. Section 7 of Executive Order 10865 provides that decisions shall be “in terms of the national interest and shall in no sense be a determination as to the loyalty of the applicant concerned.” See *also* EO 12968, Section 3.1(b) (listing multiple prerequisites for access to classified or sensitive information).

## **Analysis**

### **Guideline F, Financial Considerations**

The security concerns about financial considerations are set forth in AG ¶ 18:

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

Applicant did not pay his child support for his younger daughter for about six years. His December 2012 credit report indicates that he was \$15,539 past due on his child support obligation as of May 2008. Applicant estimated his child support delinquency at \$30,000 when he completed his SF 86 in November 2012. In May 2015, state C calculated his arrearage at \$37,290 including interest and fees. The evidence establishes a substantial child support delinquency, albeit lower than the \$51,806 alleged in SOR ¶ 1.a.

Several medical debts were placed for collection, including \$2,921 from August 2014, \$104 from July 2009, and \$532 from January 2010. Available credit information shows that a \$454 credit-card collection debt (SOR ¶ 1.d) had been settled for less than its full balance in December 2014. The credit lender in SOR ¶ 1.f charged off a \$1,945 balance after no payments since January 2008. A \$356 wireless phone debt, which Applicant indicates was for his business phone before April 2007, was in collection for \$356 as of September 2008. Disqualifying conditions AG ¶ 19(a), “inability or unwillingness to satisfy debts,” and AG ¶ 19(c), “a history of not meeting financial obligations, both apply.

Mitigating condition AG ¶ 20(a), “the behavior happened so long ago, was so infrequent, or occurred under such circumstances that it is unlikely to recur and does not cast doubt on the individual’s current reliability, trustworthiness, or good judgment,” applies in that some of the debts are old. The evidence shows that Applicant stopped paying child support in December 2006, approximately four months before Applicant and his spouse lost their incomes when his father reportedly sold the car wash. The medical debts in SOR ¶¶ 1.c and 1.e are from 2010 and 2009, respectively. The credit card debt in SOR ¶ 1.d and the wireless phone debt in SOR 1.g were placed for collection in 2008. The credit card debt in SOR ¶ 1.f became delinquent in July 2011. However, only the credit card debt in SOR ¶ 1.a has been settled. Applicant still owed approximately \$36,000 in child support arrearage as of January 2016. Furthermore, Applicant incurred additional medical debt in November 2014 that was placed for collection. While those debts cannot provide a separate basis for disqualification because they were not alleged in the SOR, they show the persistent nature of Applicant’s financial difficulties.<sup>4</sup>

Mitigating condition AG ¶ 20(b), “the conditions that resulted in the financial problem were largely beyond the person’s control (e.g., loss of employment, a business downturn, unexpected medical emergency, or a death, divorce or separation), and the individual acted responsibly under the circumstances,” has some application. However, the evidence shows that Applicant has not always acted responsibly. Applicant’s credit record shows that he stopped paying his child support in December 2006, approximately four months before he lost his \$85,000 annual income. He did not explain his failure to pay child support from December 2006 to April 2007, when he had the income to do so. AG ¶ 20(b) applies to the loss of his job when his father sold the business. Even so, Applicant testified initially that he woke up one day to find that his father sold a \$2.3 million business for only \$10,000. When asked for the details, Applicant testified that his father called him about an offer for the business and told him he should receive \$750,000 from the sale. Applicant put his home on the market and flew to the Caribbean with his spouse to look for a new place to live. Applicant’s actions seem rash and not financially sound. Applicant then cared for his parents, but for “only a month, a month and a half,” far short of the April 2007 to August 2010 claimed on his SF 86. When asked whether he looked for employment during those

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<sup>4</sup> The DOHA Appeal Board has long held that the administrative judge may consider non-alleged conduct to assess an applicant’s credibility; to evaluate an applicant’s evidence of extenuation, mitigation, or changed circumstances; to consider whether an applicant has demonstrated successful rehabilitation; to decide whether a particular provision of the Adjudicative Guidelines is applicable; or to provide evidence for a whole person analysis under Section 6.3 of the Directive. See, e.g., ISCR Case No. 03-20327 (App. Bd. Oct. 26, 2006); ISCR Case No. 09-07219 (App. Bd. Sep. 27, 2012).

2.5 years, Applicant responded, "I think I tried." (Tr. 76.) It is difficult to find that Applicant acted fully responsibly by disregarding his child support for such a long period of time.

However, as he had promised on his SF 86, Applicant arranged for child support payments to be deducted from his pay at \$175 a week from April 2013 through November 2013, when he was placed on workers' compensation. Applicant's workplace accident in November 2013 is a more recent circumstance contemplated within AG ¶ 20(b). His workers' compensation benefit is about half of his previous employment income, so the accident has clearly compromised his ability to repay his delinquencies, including his child support arrearage. AG ¶ 20(b) also applies in that after he was laid off in August 2014 and lost his medical coverage, Applicant incurred medical costs unrelated to his workplace injury.

Applicant made no child support payments from November 2013 until May 2015, apparently while awaiting a hearing in state C on reducing his monthly payments in light of his reduced income on workers' compensation. It is unclear whether Applicant could have initiated repayment of his child support on his own through state C before May 2015. Court records indicate that his ex-wife objected to registration of his child support enforcement in state C, which could partially explain at least the delay in his hearing on his child support. Applicant presented evidence of \$100 monthly payments toward his child support arrearage since May 2015. He settled the debt in SOR ¶ 1.d for less than its full balance in December 2014. Between June 2015 and January 2016, he paid about \$200 toward a \$1,947 hospital debt. In January 2016, he paid \$10 toward the \$104 medical debt in SOR ¶ 1.e. These debt payments are evidence of good faith under AG ¶ 20(d), "the individual initiated a good-faith effort to repay overdue creditors or otherwise resolve debts." However, Applicant has not made enough progress toward resolving his delinquent debt to fully mitigate the financial concerns under AG ¶ 20(c), "the person has received counseling for the problem and/or there are clear indications that the problem is being resolved or is under control." At the present rate of repayment at \$100 a month, it will take him 28 years to pay off his child support arrearage of approximately \$34,000. He has yet to arrange repayment terms for the medical debts in SOR ¶¶ 1.b and 1.c or the consumer credit debts in SOR 1.f and 1.g.

AG ¶ 20(e) applies only to the debt in SOR ¶ 1.d in that it had been settled before the SOR was issued. AG ¶ 20(e) provides:

(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 has shown sound financial judgment in managing his day-to-day expenses. He and his spouse have paid their car loan on time. His un rebutted testimony is that he has been current on his rent. His September 2015 credit report shows that he has been making timely payments on credit-card accounts opened in February 2015 and November 2012. As of September 2015, the balances were \$559 and \$276. (GE 5.) Since



he is still receiving workers' compensation and has not been medically cleared to return to work, he cannot reasonably be expected to resolve his delinquent debts in the near future.

### **Whole-Person Concept**

Under the whole-person concept, the administrative judge must consider the totality of an applicant's conduct and all relevant circumstances in light of the nine adjudicative process factors in AG ¶ 2(a).<sup>5</sup> The analysis under Guideline F is incorporated in my whole-person analysis. Some of the factors in AG ¶ 2(a) were addressed under those guidelines, but some warrant additional comment.

Even considering the impact of factors outside of his control, Applicant's noncompliance with his child support for some six years raises concerns about whether he can be counted on to comply with rules and regulations. Yet, he is credited with contacting state A and arranging for child support payments to be deducted from his pay once he had a stable income with a defense contractor. There is no evidence that he took action to stop his child support payments. Instead, state A stopped the deduction and transferred enforcement to state C on learning of his workers' compensation status.

The DOHA Appeal Board has held that an applicant is not required to establish that he has paid off each debt in the SOR, or even that the first debts paid be those in the SOR.<sup>6</sup> However, an applicant needs to show that he has a plan to resolve his debts and

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<sup>5</sup> The factors under AG ¶ 2(a) are as follows:

(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.

<sup>6</sup> The DOHA Appeal Board stated in ISCR Case No. 07-06482, decided on May 21, 2008, in part:

In evaluating Guideline F cases, the Board has previously noted that the concept of "meaningful track record" necessarily includes evidence of actual debt reduction through payment of debts." See, e.g., ISCR Case No. 05-01920 at 5 (App. Bd. Mar. 1, 2007). However, an applicant is not required, as a matter of law, to establish that he has paid off each and every debt listed in the SOR. See, e.g., ISCR Case No. 02-25499 at 2 (App. Bd. Jun. 5, 2006). All that is required is that an applicant demonstrate that he has "... established a plan to resolve his financial problems and taken significant actions to implement that plan." See, e.g., ISCR Case No. 04-09684 at 2 (App. Bd. Jul. 6, 2006). The judge can reasonably consider the entirety of an applicant's financial situation and his actions in evaluating the extent to which that applicant's plan for the reduction of his outstanding indebtedness is credible and realistic. See Directive ¶ E2.2(a) ("Available, reliable information about the person, past and present, favorable and unfavorable, should be considered in reaching a determination.") There is no requirement that a plan provide for payments on all outstanding debts simultaneously. Rather, a reasonable plan (and concomitant conduct) may provide for the payment of such debts one at a time. See, e.g., ISCR Case No. 06-25584 at 4

that he has taken significant steps to implement his plan. See ISCR 07-06482 (App. Bd. May 21, 2008). Applicant's post-hearing submissions show that he continued to make his child support payment and his \$25 monthly payment toward his hospital debt in collection even after he was laid off by the defense contractor. As the hospital's approval for its financial assistance shows, Applicant does not have the discretionary income to make other than these minimal payments toward his delinquent debts.<sup>7</sup> His child support arrearage is a heavy debt burden that he is unlikely to resolve in the near future, even assuming he is medically cleared and recalled to work with the defense contractor. While I am somewhat concerned about the lack of any efforts on Applicant's part to resolve his child support arrearage between December 2013 and May 2015, it also appears that his ex-wife was objecting to registration of his child support in state C. Applicant is seen as likely to continue to make his child support and medical debt payments. He has taken reasonable steps to address his delinquent debts in light of his limited means. After considering all the facts and circumstances, it is clearly consistent with the national interest to grant him security clearance eligibility.

### **Formal Findings**

Formal findings for or against Applicant on the allegations set forth in the SOR, as required by section E3.1.25 of Enclosure 3 of the Directive, are:

Paragraph 1, Guideline F:	FOR APPLICANT
Subparagraph 1.a:	For Applicant
Subparagraph 1.b:	For Applicant
Subparagraph 1.c:	For Applicant
Subparagraph 1.d:	For Applicant
Subparagraph 1.e:	For Applicant
Subparagraph 1.f:	For Applicant
Subparagraph 1.g:	For Applicant

### **Conclusion**

In light of all of the circumstances presented by the record in this case, it is clearly consistent with the national interest to grant Applicant eligibility for a security clearance. Eligibility for access to classified information is granted.

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Elizabeth M. Matchinski  
Administrative Judge

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(App. Bd. Apr.4, 2008). Likewise, there is no requirement that the first debts actually paid in furtherance of a reasonable debt plan be the ones listed in the SOR.

<sup>7</sup> In ISCR Case No. 08-06567 (App. Bd. Oct. 29, 2009), the DOHA Appeal Board addressed a situation where an applicant was on unemployment compensation at the time of her hearing and owed debt that would take a long time to repay. That circumstance was not necessarily a bar to being granted security clearance eligibility.