



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



In the matter of: )  
)  
) ISCR Case No. 15-04801  
)  
Applicant for Security Clearance )

**Appearances**

For Government: Robert Kilmartin, Esq., Department Counsel  
For Applicant: Ryan C. Nerney, Esq.

03/24/2017

**Decision**

COACHER, Robert E., Administrative Judge:

On March 19, 2016, the Department of Defense (DOD) issued a Statement of Reasons (SOR) to Applicant detailing security concerns under Guideline F, financial considerations. The action was taken under Executive Order (EO) 10865, *Safeguarding Classified Information within Industry* (February 20, 1960), as amended; DOD Directive 5220.6, *Defense Industrial Personnel Security Clearance Review Program* (January 2, 1992), as amended (Directive); and the adjudicative guidelines (AG) implemented by the DOD on September 1, 2006.

Applicant responded to the SOR on April 18, 2016, and requested a hearing before an administrative judge. I was assigned the case on January 27, 2017. The hearing was held as scheduled on March 16, 2017. On March 21, 2017, I proposed that this case was appropriate for a summary disposition in Applicant's favor. Department Counsel did not object.

Applicant established through documentation that he paid or settled all six of the debts listed in the SOR, totaling approximately \$89,000. His son, who has the same name as Applicant, incurred most of the debts by using his father's credit information. Initially, Applicant filed a *Pro se* Chapter 7 bankruptcy petition that was dismissed. He

then hired an attorney to file a Chapter 7 petition. That action was also dismissed after Applicant was advised he would be better off resolving the debts himself. Applicant accepted responsibility for the debts and paid or settled all the obligations. Applicant's evidence established that he is in good financial standing. Based on the record evidence as a whole, I conclude that the security concerns are mitigated under the following mitigating conditions: AG ¶¶ 20(a) through 20(e).

The concerns over Applicant's history of financial problems do not create doubt about his current reliability, trustworthiness, good judgment, and ability to protect classified information. In reaching this conclusion, I weighed the evidence as a whole and considered whether the favorable evidence outweighed the unfavorable evidence. I also gave due consideration to the whole-person concept. Accordingly, I conclude that he met his ultimate burden of persuasion to show that it is clearly consistent with the national interest to grant his eligibility for access to classified information. This case is decided for Applicant.

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Robert E. Coacher  
Administrative Judge