



DEPARTMENT OF DEFENSE
DEFENSE OFFICE OF HEARINGS AND APPEALS



In the matter of:)	
)	
, ¹)	
)	ISCR Case No. 17-00729
)	
Applicant for Security Clearance)	

Appearances

For Government: Adrienne Driskill, Esq., Department Counsel
For Applicant: *Pro Se*

12/21/2018

Decision

HEINY, Claude R., Administrative Judge:

Applicant contests the Department of Defense's (DoD) intent to deny her eligibility for a security clearance to work in the defense industry. Applicant had two delinquent student loans, a garnishment, and 26 other delinquent obligations, which totaled in excess of \$83,000 in delinquent financial obligations. Her student loan debt was paid through garnishment. After the garnishment of her wages stopped, she has documented she made three payments on her daughter's tuition of approximately \$3,300 and an additional five payments totaling approximately \$300. Applicant did not make sufficient documented progress toward resolving the debts alleged in the SOR. Financial considerations security concerns are not mitigated. Eligibility for access to classified information is denied.

¹ Applicant's last name has been legally changed since the SOR was issued. Her new last name is reflected in the caption.

Statement of the Case

Acting under the relevant Executive Order and DoD Directive,² on April 14, 2017, the DoD issued a Statement of Reasons (SOR) detailing financial considerations security concerns. On May 1, 2017, Applicant answered the SOR and requested a hearing before an administrative judge. On February 8, 2018, DOHA issued a Notice of Hearing scheduling a hearing that was conducted on March 1, 2018.

At the hearing, Department Counsel offered Government Exhibits (Ex.) 1 through 4, which were admitted into evidence without objection. Applicant offered exhibits A through F, which were also admitted without objection. In February 2018 and August 2018, she submitted additional documents, which were admitted as Ex. G through Ex. N. Applicant and her husband testified at the hearing. DOHA received the hearing transcript (Tr.) on March 9, 2018.

While this case was pending a decision, the Director of National Intelligence issued Security Executive Agent Directive 4, establishing the *National Security Adjudicative Guidelines for Determining Eligibility for Access to Classified Information or Eligibility to Hold a Sensitive Position* (AGs), which he made applicable to all covered individuals who require initial or continued eligibility for access to classified information or eligibility to hold a sensitive position. The new AGs supersede the Sept. 1, 2006 AGs and are effective “for all covered individuals” on or after June 8, 2017. Accordingly, I have evaluated Applicant’s security clearance eligibility under the new AGs.³

Findings of Fact

Applicant denies the allegations in SOR 1.e (\$479) and SOR 1.x (\$342). She admitted, with explanation, the remaining allegations in SOR paragraphs 1.a through 1.bb. She was uncertain about the debt in SOR 1.w (\$356), asserted she had paid the debts in SOR 1.m (\$167) and SOR 1.t (\$1,222), and had payment plans in place for the debts in SOR 1.j (\$1497), SOR 1.k (\$1,222), SOR 1.u (\$697), and SOR 1.v (\$647). She provided no documentation showing payment on the debts or copies of the repayment agreements. After a thorough review of the pleadings and exhibits, I make the following findings of fact

Applicant is a 40-year-old systems engineer working for a defense contractor since May 2001. (Tr. 18) She seeks to retain a security clearance. Her annual salary is approximately \$124,000. (Tr. 59) Her duty performance during the more than 17 year of

² 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 (Sept. 1, 2006 AG) effective within the DoD on September 1, 2006.

³ Application of the AGs that were in effect as of the issuance of the SOR would not change my decision in this case. The new AGs are available at http://ogc.osd.mil/doha/5220-6_R20170608.pdf.

working for the defense contractor has been outstanding. Between August 2004 and June 2017, she received numerous awards at work, which totaled in excess of \$4,000. (Ex. E, Ex M) Since 2003, her work performance has met or exceeded her employer's expectations. For the last five years, her performance has been rated as exceeded or significantly exceeded. (Ex. L) In 2018, Applicant received an award in recognition of her accomplishments in science, technology, engineering and mathematics community. (Ex. N) She received the outstanding achievement award as a technology raising star. (Ex. N)

In January 2015, Applicant married. Her husband's annual salary is approximately \$45,000 and he has worked for a government contractor since 2007. (Tr. 60, 64) He has additional jobs: one as a referee, a second as a DJ, and does production work. (Tr. 62, 64) The net monthly household take-home income is approximately \$5,000. (Tr. 55) In May 2000, Applicant received her Bachelor of Science degree in electrical engineering. In August 2005, she received her Master of Science degree in system engineering. She married in January 2015 and has a 19-year-old, who is a college student, a 7 year old, and a 10-year-old stepson. (Tr. 21) Her stepson lives with his mother.

On Applicant's February 2013 Electronic Questionnaires for Investigations Processing (e-QIP) she listed a single medical debt of \$919. (Ex. 1) She stated she was working with the creditor and would be setting up a monthly payment to resolve the debt. Her February 2018 credit report listed six delinquent obligations: SOR 1.b (\$11,724), SOR 1.c (\$11,436), SOR 1.d (\$8,245), SOR 1.f (\$972), SOR 1.g (\$297), and SOR 1.j (\$497). These six obligations total \$33,171. She asserted she had a debt payoff plan to address 24 delinquent obligations listed. The payoff plan would address \$40,230 in debt.

The payoff plan was scheduled to start in June 2018, three months following the hearing, and anticipated to end in May 2019. The payoff plan estimated she which would pay off the debt in SOR 1.j (\$497) in September 2018, the debt in SOR 1.g (\$528) in November 2018, and the debts in SOR 1.b (\$12,377), 1.c (\$11,437), and 1.d (\$8,245) would be paid in May 2019. (Ex. K) The plan also includes paying off 12 medical debts and seven other debts in addition to the five debts previously listed. (Ex. K) Applicant did not provide any documentation showing that payments had been made in accord with the plan.

Applicant experienced financial difficulties while a single mother raising her daughter. She was not receiving financial assistance from her daughter's father. (Tr. 17, 23) At that time, her student loans (SOR 1.a, \$43,000 and SOR 1.bb) had been in deferment status since 2010. (Tr. 24) She had paid \$200 monthly on her student loans until they went into deferment status. (Tr. 25) When her deferment ended she expected to receive a letter from the company from which she obtained her student loans. (Tr. 25) She did not know the loans had been transferred to another company for collection. (Tr. 17) She received letters from the company then holding the student loan notes, but did not respond to the letters wrongfully assuming the letters were letters of solicitation from a company wishing to consolidate her student loan with that company. (SOR Response) She did not believe the collection letters came from a company that held her student loans.

In June 2014, Applicant's wages were garnished to collect the funds she owed on her student loans. She was unaware of the transfer until her wages were involuntarily garnished in the amount of \$1,200 monthly. This amount was more than her monthly mortgage payments. She was unsuccessful in attempting to have the amount of the weekly garnishment lowered. The garnishment was 15 percent of her wages. (Tr. 27) While the garnishment was in place, she was unable to address any of her other debt. (Tr. 17)

In December 2017, the last amount owed on Applicant student loans was garnished from her wages. (Ex. J) Her student loan debt of \$43,000 was then completely paid by the garnishment. (Tr. 28) Her February 2018 credit report lists a zero balance on her state guaranteed student loans and her educational financial accounts. (Ex.4) Her October 2015 credit report listed \$38,237 in student loans. (Ex. 2) While her wages were being garnished, she was unable to address many of her financial obligations.

Applicant had a \$12,377 vehicle purchase account (SOR 1.b) charged off. In April 2016, a hailstorm "totaled" the vehicle. (Tr. 32) Her insurance coverage paid \$5,000 on the vehicle. She did not have gap insurance resulting in the \$12,377 debt. (Tr. 33) She was unable to address this debt while the garnishment was in place. Now that the garnishment has ended, she has \$1,200 monthly to address her other delinquent accounts. (Tr. 50) She asserts she intends to start addressing her delinquent debts. She provided the payoff plan with payments to start in June 2018.

Applicant incurred an \$11,437⁴ collection account (SOR 1.c). She is current on another loan with the same creditor that has a loan balance of approximately \$4,000. Once that loan is paid, she asserted she will commence paying this debt. (Tr. 34) She had a line of credit that resulted in the bank charging off \$8,245 (SOR 1.d). She also had a \$972 credit card account (SOR 1.f) that was also charged off. (Tr. 37) In her SOR Response, she indicated a repayment plan had been established to pay the debt. She also stated in her SOR Response that "payment mitigation plans" had been set up with the creditors in: SOR 1.h, SOR 1.i, SOR 1.j, SOR 1.k, SOR 1.m, SOR 1.n, SOR 1.o, SOR 1.t, SOR 1.u, SOR 1.v, SOR 1.w, SOR 1.y, SOR 1.z, and SOR 1.aa. The accounts went delinquent in 2009 or 2010, before the garnishment started. (Tr. 37) The accounts when delinquent at the time her daughter's father stopped providing child support.

In Applicant's May 2017 SOR Response, she stated the debts in SOR 1.q (\$60), SOR 1.r (\$35), and SOR 1.s (\$35) had been paid, but provided no documentation showing payment had been made. (SOR Response) In her response, she indicated the following delinquent obligations would be paid by December 2017: SOR 1.w (\$356), SOR 1.y (\$227), SOR 1.z (\$194), and SOR 1.aa (\$125). (SOR Response) No documentation was received showing payment had been made on these debts. These four medical debts appear in her payoff plan showing she intended to pay the debts in June 2018, July 2018, and August 2018. (Ex. J)

⁴ The collection account in SOR 1.c was listed as "\$11,4377." Department Counsel moved to amend the amount to \$11,437. (Tr. 8) There being no objection, the amount was changed.

In May 2017, when Applicant responded to the SOR, she stated she was unfamiliar with the \$479 past-due account (SOR 1.e). (Tr. 37) She had a \$528 credit card account (SOR 1.g) charged off. The credit card was used to purchase school clothes for her daughter in 2014. (Tr. 39) Her February 2018 credit report indicates a balance of \$297 showing she has made some payments on the debt. (Ex. 4) She had a \$507 collection account (SOR 1.h) for a home improvement store. (Tr. 40) It is part of a repayment plan she intends to start. (Tr. 41) She plans on starting to pay her smaller debts and allow the “snowball effect” to help her address her delinquent accounts. (Tr. 41)

Applicant owed approximately \$2,200 on 12 delinquent medical debts: SOR 1.i (\$499), SOR 1.l (\$379), SOR 1.n (\$149), 1.o (\$144), SOR 1.p (\$60), SOR 1.q (\$60), SOR 1.r (\$35), SOR 1.s (\$1), SOR 1.w (\$356), SOR 1.y (\$277), SOR 1.z (\$194), and SOR 1.aa (\$125). She had health insurance and assumed her insurance company would have paid these medical debts for surgery received. (Tr. 42) She asserted that in April 2017, she made a repayment plan with one of the creditors and made a payment on the plan. (Tr. 41) She has not made any additional payments. She was unfamiliar with these medical debts. She was the victim of identity theft and wanted to make sure the debts were valid. (Tr. 44) She believes she has paid some of these medical debts. (Tr. 46)

Applicant learned that her identity had been stolen when she attempted to file her taxes one year and was told her tax return had already been filed. (Tr. 51) It took nine months to resolve the problem. She has been on a fraud alert with one of the major credit reporting agencies. (Tr. 52) When credit inquiries are made, she receives notification of the inquiry. She provided no additional information as to how the identity theft has affected her finances. In her SOR Response she denied two of the SOR debts and admitted, sometimes with explanation, the other 26 SOR delinquent obligations.

Applicant owed a \$497 collection balance on a department store account (SOR 1.j). (Tr. 41) She owed \$405 on another credit card collection account (SOR 1.k) in collection. She owed \$697 on a telephone company collection account (SOR 1.u) and \$647 on an electrical bill collection debt (SOR 1.v). (Tr. 47) She has included these four debts in her repayment plan. (Tr. 42) She disputes a debt with the bottled water company (SOR 1.m, \$167). (Tr. 43) In December 2017, she asserts the cable television collection account (SOR 1.t, \$1,222) was paid. (Tr. 47) She disputes a \$342 insurance collection debt (SOR 1.x, \$342) since she never had insurance with the company. (Tr. 48)

At some period of time not set forth in the record, Applicant sought the services of a credit correction company who sent letters on her behalf disputing each of the SOR debts. (Tr. 49) She employed the credit correction company to assist her in having delinquent accounts removed from her credit report. She had 34 negative accounts removed⁵ from her credit report. (Ex. F) There is no indication she made any payment on the negative accounts. Her credit score was 602 indicating her credit was “fair.” (Ex. F)

⁵ The removal of debts supposedly includes the debt in SOR 1.c (\$11,436). The credit collection company's information indicates this debt was to be removed in August 2017 and October 2017. However, the debt still appears on her February 2018 credit report and appears as a debt to be paid in her payoff plan. (Ex. F, Ex. J, and Ex. 4)

Nor did she indicate which, if any, of the removed accounts were listed as SOR delinquent obligations. The document from the credit collection company indicates that should she,

fail to pay a credit or charge card bill, bounce a check, or miss payments on other credit related bills, the issuer may continue in house collection efforts or send you overdue bill to a third pay collection agency, a company that will then attempt to obtain payment from you. (Ex. F)

Applicant now monitors her finances to the penny. (Tr. 53) She has approximately \$128,000 in her 401(k) retirement plan. (Tr. 54) Her husband has approximately \$20,000 in his 401(k) retirement plan. (Tr. 65) She pays \$1,100 monthly on her mortgage for the house she has lived in since 2003. (Tr. 55) She is current on her monthly car payment (\$500) and truck payment (\$700). (Tr. 56) Both vehicle were purchased used.

Applicant's husband believes they are getting back on track and believes the future is "a whole lot brighter." (Tr. 63) They had a plan to address their debts which was interrupted by the garnishment. (Tr. 63) They have read books on financial planning, talked with their pastor, and listened to the Dave Ramsey radio show about implementing the financial planning techniques set forth in the Financial Peace University. (Tr. 63) They now take time to evaluate their situation before making a financial decision. (Tr. 64) In August 2017, her mother died and she paid expenses from her death. (Ex. G)

Applicant testified at her hearing that her approach to her finances has changed, as follows:

We have been, you know, kind of lackadaisical in our approach to paying off previous debts, but now that we are fully aware that it affects my job, that we have been aggressively trying to get these [her delinquent debts] to zero. (Tr. 73)

Applicant made five payments, which totaled approximately \$6,500, for her daughter's tuition. (Ex. H) Three of the payments, which totaled \$3,166, occurred after the hearing. In addition to paying her daughter's tuition, she provided documentation that she made five payments to creditors that totaled \$180. (Ex. I) In May and June 2018, she made two payments of \$25.37 each to the creditor of the SOR 1.h debt (\$507). (Ex. I) In May 2018, she made a \$19.82 payment to a creditor. In May and June 2018, she made two payments of \$55 each to a creditor, but failed to indicate to which SOR debt it applied. (Ex. I) She stopped making payments to these three creditors when she found out her daughter's tuition would not be fully funded. (Ex. G)

Character Statements

A co-worker, who has known Applicant for five years and has been Applicant's direct manager for the past three years, states Applicant is dedicated, trustworthy, and detail-oriented, and takes great pride in her work. (Ex. A) Applicant is willing to put forth extra effort or long hours if required by the job. A co-worker, who has known Applicant for

more than ten years, states Applicant is very diligent. (Ex. B) A manager, who has known Applicant for more than five years, states Applicant continuously demonstrates high ethical character in executing her responsibilities. (Ex. C) A friend, who has known Applicant for more than 21 years, states Applicant is dependable, professional, always willing to go the extra mile to accomplish goals, morally upstanding, trustworthy, has an excellent work ethic, and who donates her time to the youth department at her church. (Ex. D)

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(a), the adjudication process is an examination of a sufficient period and a careful weight of a number of variables of an individual's life to make an affirmative determination that the individual is an acceptable security risk. This is known as the whole-person concept.

The protection of the national security is the paramount consideration. AG ¶ 2(b) requires that "[a]ny doubt concerning personnel being considered for national security eligibility will be resolved in favor of the 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 the applicant may deliberately or inadvertently fail to safeguard classified information. Such decisions entail a certain degree of legally permissible extrapolation of 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 of 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

Adjudicative Guideline (AG) ¶ 18 articulates the security concerns relating to financial problems:

Failure 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 or sensitive information . . . An individual who is financially overextended is at greater risk of having to engage in illegal acts or other questionable acts to generate funds.

Additionally, an individual who is financially irresponsible may also be irresponsible, unconcerned, negligent, or careless in properly handling and safeguarding 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 her creditors is a private matter until evidence is uncovered demonstrating an inability or unwillingness to repay debts under agreed upon terms. Absent evidence of strong extenuating or mitigating circumstances, an applicant with a history of serious or recurring financial difficulties is in a position of risk that is inconsistent with holding a security clearance. Applicant is not required to be debt free, but is required to manage her finances to meet her financial obligations.

AG ¶ 19 includes two disqualifying conditions that could raise a security concern and may be disqualifying in this case: “(a) inability to satisfy debts;” and “(c) a history of not meeting financial obligations.” Security concerns are established under AG ¶¶ 19(a) and 19(c) because Applicant had delinquent student loans of approximately \$43,000, which have now been paid by an involuntary garnishment action. Additionally, Applicant had 25 delinquent accounts, which totaled in excess of \$40,000. The burden shifted to Applicant to produce evidence to rebut, explain, extenuate, or mitigate the security concerns. (Directive ¶ E3.1.15)

The Appeal Board explained the scope and rationale for the financial considerations security concern in ISCR Case No. 11-05365 at 3 (App. Bd. May 1, 2012) (citation omitted) as follows:

This concern is broader than the possibility that an applicant might knowingly compromise classified information in order to raise money in satisfaction of his or her debts. Rather, it requires a Judge to examine the totality of an applicant's financial history and circumstances. The Judge must consider pertinent evidence regarding the applicant's self-control, judgment, and other qualities essential to protecting the national secrets as well as the vulnerabilities inherent in the circumstances. The Directive presumes a nexus between proven conduct under any of the Guidelines and an applicant's security eligibility.

Applicant has the burden of establishing that matters in mitigation apply. One or more of the following conditions under AG ¶ 20 may apply:

(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 problem were largely beyond the person's control (e.g., loss of employment, a business downturn, unexpected medical emergency, a death, divorce or separation, clear victimization by predatory lending practices, or identity theft), and the individual acted responsibly under the circumstances;

(c) the person has received or is receiving counseling for the problem from a legitimate and credible source, such as a non-profit credit counseling service, and there are clear indications that the problem is being resolved or is under control;

(d) the individual initiated and is adhering to a good-faith effort to repay overdue creditors or otherwise resolve debts; and

(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 presented some mitigating information. She experienced financial difficulties when, as a single mother raising her daughter, she did not receive financial assistance from her daughter's father. Her mother died in August 2017, and she had to pay some of the expenses related to her mother's death. These are factors beyond her control. The involuntary garnishment for her student loans prevented her from addressing her other financial obligations. However, the garnishment ended in December 2017, she presented documentation of only five payments, which totaled \$3,346. Three payments of \$3,166 were made on her daughter's tuition and \$180 in five payments went to SOR debts. She stopped making payments to these creditors when she found out her daughter's tuition would not be fully funded.

Applicant has worked for her employer for more than 17 years and her duty performance has been outstanding. Her annual salary is approximately \$124,000 and her husband's annual salary is approximately \$45,000. With a household income of \$169,000, she has documented payment of only \$180 on the SOR delinquent obligations. She has presented a debt payoff plan, but has failed to document payment in accord with that plan. Intentions to pay debts in the future are not a substitute for a track record of debt repayment or other responsible approaches. See ISCR Case No. 11-14570 at 3 (App. Bd. Oct 23, 2013) She has not acted responsibly to address her delinquent SOR debts after the involuntary garnishment ended in December 2017.

Applicant admitted she and her husband had been lackadaisical in their approach to paying off her debts, but now were fully aware that her job is affected by her delinquent obligations. She asserts she now monitors her finances to the penny, has approximately \$128,000 in her 401(k) retirement plan, and her husband has approximately \$20,000 in his 401(k) retirement plan. They are current on their mortgaged and vehicle payments. She asserts she has been aggressively trying to get these her delinquent debts to zero, but documented payments of less than \$200 fails to support this assertion.

Some of Applicant's delinquencies have been removed from her credit report. The debts were not removed because they were paid. The Appeal Board has observed "that [the fact] some debts have dropped off [an individual's] credit report is not meaningful evidence of debt resolution." ISCR Case No. 14-05803 at 3 (App. Bd. July 7, 2016) (citing ISCR Case No. 14-03612 at 3 (App. Bd. Aug. 25, 2015)). Additionally, Applicant failed to document that any of the removed debts correlated to the delinquent SOR obligations. She admitted to incurring all but two of the SOR debts, and she listed 24 of the SOR debts to be paid in the future under her payoff plan.

The mitigating factors in AG ¶ 20(a) do not apply because the debts are numerous and remain unpaid. AG ¶ 20(b) does not apply even though there are some factors that were beyond her control such as her mother death in 2017, her failure to receive child support, the involuntary bankruptcy, and her assertion of identity theft.⁶ The small amount of documented payments shows she has not acted responsibly under the circumstances.

Applicant has read books on financial planning, talked with her pastor, and listened to financial planning radio shows. However, for AG ¶ 20(c) to apply there must not only be financial counseling, but clear indications that the problem is being resolved or is under control, which has not been documented.

In Applicant's May 2017 SOR Response, she indicated she had established certain repayment plans. At the time of hearing, nine months later, no payments had been made or evidence provided that repayment plans existed. Following the hearing, she presented evidence of a debt payoff plan but no track record of payments in accord with that plan from which I could reasonably conclude that she can be counted on to make timely

⁶ Applicant asserts she learned of identity theft when she filed her income tax returns. However, she did not show how that identity theft impacted on the delinquent SOR obligations. The majority of those obligations she admitted to in her SOR response and are part of her payoff plan.

payments to resolve her substantial delinquencies. Involuntary garnishment resolved her student loans in SOR 1.a, but it is not considered a good-faith effort under AG ¶ 20(d), which does not apply. AG ¶ 20(e) does not apply because Applicant has denied only two of the debts, which totaled approximately \$800 of the \$40,000 of delinquent debt. She has not provided a reasonable basis to dispute the legitimacy of the past-due debt which is the cause of the problem. Nor has she provided documented proof to substantiate the basis of the dispute or provides evidence of actions to resolve the issue.

An Applicant is not required to be debt-free or to develop a plan for paying off all debts immediately or simultaneously, but she is required to act responsibly given her circumstances and develop a reasonable plan to address her delinquent obligations, accompanied by evidence of a serious intent to effectuate the plan. This has not been done.

Whole-Person Analysis

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. An administrative judge must evaluate an Applicant's security eligibility by considering the totality of the Applicant's conduct and all the relevant circumstances. An 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), the ultimate determination of whether to grant eligibility for 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. I have incorporated my comments under Guideline F in the whole-person analysis. In her favor, her duty performance has been outstanding. A number supervisors, co-workers, and friends presented favorable comments on Applicant's work performance and character. Additionally, she has received a prestigious award in recognition of her accomplishments in science, technology, engineering and the mathematics community. The outstanding achievement award recognized her as a technology raising star.

The financial evidence against approval of Applicant's clearance is more substantial at this time. Applicant has a history of financial problems. Applicant listed a single medical delinquent account on her e-QIP. There is no showing she has been in contact with her creditors. She has a household income of \$169,000, been gainfully employed for more than 17 years with the same employer, but has documented payment of less than \$200 on her delinquent obligations since the involuntary garnishment ended in December 2017. She has not shown that she acted responsibly to address her delinquent debts. Applicant's failure to make greater progress resolving her SOR debts shows lack of financial responsibility and judgment and raises unmitigated questions about her reliability, trustworthiness, and ability to protect classified information. See AG ¶ 18. The issue is not simply whether all Applicant's debts are paid—it is whether her financial circumstances raise concerns about her fitness to hold a security clearance. See AG ¶¶ 2(a) and 2(b).

It is well settled that once a concern arises regarding an Applicant's security clearance eligibility, there is a strong presumption against the grant or renewal of a security clearance. See *Dorfmont v. Brown*, 913 F. 2d 1399, 1401 (9th Cir. 1990). After weighing the disqualifying and mitigating conditions and evaluating all the evidence in the context of the whole person, the unmitigated financial considerations security concerns lead me to conclude that grant of a security clearance to Applicant is not warranted at this time. This decision should not be construed as a determination that Applicant cannot or will not attain the state of reform necessary for award of a security clearance in the future. With a track record of behavior consistent with her obligations, she may well be able to demonstrate persuasive evidence of her security clearance worthiness.

Formal Findings

Financial Considerations Security Concern:	AGAINST APPLICANT
Subparagraph 1.a:	For Applicant
Subparagraphs 1.b through 1.s:	Against Applicant
Subparagraph 1.t:	For Applicant
Subparagraphs 1.u through 1.s:	Against Applicant

Conclusion

In light of 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. National security eligibility is denied.

CLAUDE R. HEINY II
Administrative Judge