



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



In the matter of:)
)
 ---) ADP Case No. 17-03453
)
 Applicant for Public Trust Position)

Appearances

For Government: Bryan Olmos, Esquire, Department Counsel
For Applicant: *Pro se*

01/04/2019

Decision

GALES, Robert Robinson, Administrative Judge:

Applicant mitigated the trustworthiness concerns regarding financial considerations. Eligibility to occupy a public trust position is granted.

Statement of the Case

On February 19, 2015, Applicant applied for a public trust position and submitted an Electronic Questionnaire for Investigations Processing (e-QIP). On October 13, 2017, the Department of Defense (DOD) Consolidated Adjudications Facility (CAF) issued a Statement of Reasons (SOR) to her under Executive Order (Exec. Or.) 10865, *Safeguarding Classified Information within Industry* (February 20, 1960), as amended and modified; DOD Directive 5220.6, *Defense Industrial Personnel Security Clearance Review Program* (January 2, 1992), as amended and modified (Directive); DOD Manual 5200.02, *Procedures for the DOD Personnel Security Program (PSP)* (April 3, 2017) (Manual); and Directive 4 of the Security Executive Agent (SEAD 4), *National Security Adjudicative Guidelines* (December 10, 2016) (AG), for all covered individuals who require initial or continued eligibility for access to classified information or eligibility to hold a sensitive position, effective June 8, 2017.

The SOR alleged trustworthiness concerns under Guideline F (Financial Considerations) and detailed reasons why the DOD CAF was unable to make an affirmative finding under the Directive that it is clearly consistent with the national interest to grant Applicant's eligibility for occupying a public trust position to support a contract with the DOD. The SOR recommended referral to an administrative judge to determine whether such eligibility should be granted, continued, denied, or revoked.

Applicant received the SOR on October 25, 2017. In a sworn statement, dated November 8, 2017, Applicant responded to the SOR and requested a hearing before an administrative judge. Department Counsel indicated the Government was prepared to proceed on December 8, 2017. The case was assigned to me on March 20, 2018. A Notice of Hearing was issued on June 29, 2018, and amended on July 11, 2018, scheduling the hearing for July 24, 2018. I convened the hearing as scheduled.

During the hearing, Government exhibits (GE) 1 through GE 4 and Applicant exhibits (AE) A through AE I were admitted into evidence without objection. Applicant testified. The transcript (Tr.) was received on August 3, 2018. I kept the record open to enable Applicant to supplement it. She took advantage of that opportunity and timely submitted several documents, which were marked and admitted as AE J through AE Q, without objection. The record closed on August 21, 2018.

Findings of Fact

In her Answer to the SOR, Applicant admitted, with comments, all of the factual allegations pertaining to financial considerations in the SOR (SOR ¶¶ 1.a. through 1.g.). Applicant's admissions and comments are incorporated herein as findings of fact. After a complete and thorough review of the evidence in the record, and upon due consideration of same, I make the following additional findings of fact:

Applicant is a 53-year-old employee of a defense contractor. She has been serving as a claims processor with her current employer since May 1998. She graduated from high school in 1983. She also received an associate's degree in 1985. She has never served in the U.S. military. She has never held a security clearance, but has been occupying a position of public trust since 1998. Applicant was married in 1985. She has one son, born in 2000.

Financial Considerations¹

There was nothing unusual about Applicant's finances until 2006 when she decided not to place her mother in a nursing home and instead became her caretaker. Applicant's mother was afflicted with a variety of health issues: diabetes, high blood

¹ General source information pertaining to the financial issues discussed below can be found in the following exhibits: GE 1 (e-QIP, dated February 19, 2015); GE 2 (Personal Subject Interview, dated December 4, 2015); GE 3 (Combined Experian, TransUnion, and Equifax Credit Report, dated June 4, 2016); GE 4 (Equifax Credit Report, dated September 29, 2017); and Applicant's Answer to the SOR, dated November 8, 2017.

pressure, diabetes-related foot surgery, and Alzheimer's. Eventually her mother's situations necessitated obtaining a wheelchair, a lifter (to get her into and out of bed, and a ramp for egress and ingress to and from the house. Although there was some financial support through Medicare and Medicaid, Applicant was responsible for uncovered expenses. In 2009, Applicant's mother-in-law died from cancer. Applicant's husband lost his \$25 an hour job in 2010 when his company shut down in the area. In order to generate some income, he started driving a bus (making between \$13 and \$15 per hour) and he did seasonal landscaping. Applicant was also forced to borrow funds from her 401(k). In 2012, Applicant's son was diagnosed with keratoconus – a progressive eye disease – that resulted in three surgeries in 2013 and one in 2015, as well as different prescription medications which he continues to take. In 2013, Applicant's mother passed away. In June 2015, her husband had foot surgery, and he was out of work for two months.

The continuing combination of family health issues caused expenses to increase, and her husband's health and employment issues reduced the family income. As a result, some accounts became delinquent. A federal tax lien was filed when Applicant's husband erred in applying his Form 1099 associated with his landscaping earnings. As a result, their anticipated federal income tax refund for a subsequent year was applied to the earlier year. Applicant's most recent federal and state income tax refunds amounted to over \$4,000, and those funds were used primarily to make mortgage payments to make sure it remained current, and for her son's school expenses.

The SOR identified seven purportedly delinquent accounts that had been placed for collection or charged-off, as generally reflected by Applicant's June 2016 or September 2017 credit reports. Those debts total approximately \$34,302. The current status of those accounts is as follows:

(SOR ¶ 1.a.): This is a joint installment loan with an unpaid and past-due balance of \$13,438 that was placed for collection and charged off.² Applicant reached out to the creditor and agreed to a repayment plan under which she commenced making monthly \$50 payments before November 2017. She submitted documentation of routine past monthly payments with a recent receipt, dated July 25, 2018, reflecting a reduced remaining balance of \$12,988.³ Applicant also discussed settlement possibilities, and the creditor initially offered to settle the account for a one-time payment of \$6,494, or a monthly payment of \$780 for ten months, neither of which Applicant could afford. Another option was an increased monthly payment of \$75, commencing in September 2018. Applicant claimed that she agreed to this option,⁴ but she has not submitted any documents to support any such payments. Nevertheless, the account is in the process of being resolved.

² GE 3, *supra* note 1, at 6; GE 4, *supra* note 1, at 2; GE 2, *supra* note 1, at 7.

³ AE B (Receipts, various dates); AE O (Receipt, dated July 25, 2018); Answer to the SOR, dated November 8, 2017, at 1.

⁴ AE N (Statement, undated).

(SOR ¶ 1.b.): This is an unspecified type of account with an unpaid and past-due balance of \$3,891 that was placed for collection and sold to a debt purchaser.⁵ Applicant reached out to the debt purchaser and agreed to a repayment plan under which she commenced making monthly \$50 payments before November 2017. She submitted documentation of routine past monthly payments with a recent receipt, dated July 24, 2018, reflecting a cumulative payment of \$350.⁶ Applicant also discussed a settlement possibility, but Applicant could not afford the one offered to her. She intends to increase her monthly payments for six months before exploring another settlement option.⁷ Nevertheless, the account is in the process of being resolved.

(SOR ¶ 1.c.): This is a joint secured installment loan, which Applicant claims was made to purchase a vehicle, with an unpaid balance of \$3,727 that was placed for collection and charged off in 2014.⁸ Applicant contends that she called the original creditor and the eventual creditor, to validate the account, but neither creditor had any information about it. She claims that she searched for paperwork and found a letter stating that the balance was \$463.50, and that on February 28, 2014, she paid the creditor \$471.22 with her debit card and has a confirmation number.⁹ While Applicant is specific in her references and claims, she failed to submit any documents to: (1) connect the original creditor to the eventual creditor; (2) support her position that she contacted the creditors or was advised that they had no information regarding the accounts; (3) support her position that she made the claimed payment; or (4) support her position that the account has been paid in full. Until those documents are submitted, it is impossible to determine the current status of the account. The account has not been resolved.

(SOR ¶¶ 1.d. and 1.g.): These are two medical accounts with unpaid balances of \$101 and \$123 that were placed for collection and charged off.¹⁰ Applicant and the creditor agreed to a settlement regarding the smaller of the two accounts, and on December 10, 2015 – two years before the SOR was issued – she paid the remaining balance of \$76.13, settling the account in full. With respect to the larger of the two accounts, on December 10, 2015 – again two years before the SOR was issued – she paid the creditor \$123.84.¹¹ Both accounts have been resolved.

⁵ GE 3, *supra* note 1, at 6; GE 4, *supra* note 1, at 2.

⁶ AE C (Receipts, various dates, and Bank Account History, dated July 24, 2018); AE P (Receipt, dated July 24, 2018); Answer to the SOR, *supra* note 3, at 1; Tr. at 45.

⁷ AE N, *supra* note 4, at 1; Answer to the SOR, *supra* note 3, at 1.

⁸ GE 3, *supra* note 1, at 7; GE 4, *supra* note 1, at 2; GE 2, *supra* note 1, at 6.

⁹ Answer to the SOR, *supra* note 3, at 1.

¹⁰ GE 3, *supra* note 1, at 15; GE 4, *supra* note 1, at 2; Answer to the SOR, *supra* note 3, at 1-2.

¹¹ AE D (Payment History, dated May 9, 2007); Answer to the SOR, *supra* note 3, at 1-2. It should be noted that Applicant's June 2016 credit report clearly states that both accounts were paid off in December 2015. See GE 3, *supra* note 1, at 15. The September 2017, incorrectly reports the smaller account as unpaid. See GE 4, *supra* note 1, at 2.

(SOR ¶ 1.e.): This is consumer loan from a financial institution with a high credit of about \$10,000 that was placed for collection. A judgment for \$11,524 was filed in 2014.¹² Applicant explained that she had made monthly payments of about \$300 for two to three years. When her financial issues made it difficult to make the regular payments, the creditor agreed to accept reduced payments.¹³ She failed to submit any documentation to support her contention that before the judgment was filed she had made any payments. By July 2017, the unpaid balance on the judgment had increased to \$14,272, including interest. Applicant reached out to the collection attorneys and discussed settlement possibilities, and she was offered a proposed settlement of 60 percent of the existing balance to be paid by October 2017,¹⁴ but she was unable to agree to that offer. Negotiations continued, and in November 2017, Applicant agreed to a repayment plan under which she authorized automatic withdrawals from her account in the amount of \$50. She submitted documentation of routine past monthly payments. Unfortunately for Applicant, despite her continuing monthly payments, because of the accrual of interest, the unpaid balance keeps increasing. As of April 2018, it was \$14,659.¹⁵ Applicant intended to continue making the monthly payments, and after six months, she expected to receive another settlement offer. While the record is silent as to what subsequent events had occurred, the account is in the process of being resolved.

(SOR ¶ 1.f.): This is a credit-card account with an unpaid balance of \$1,499 that was placed for collection and sold to a debt purchaser.¹⁶ Applicant reached out to the debt purchaser and agreed to a repayment plan under which she authorized automatic withdrawals from her account in the amount of \$63. She submitted documentation of routine past monthly payments, and expects the account to be paid in full by August 2019.¹⁷ The account is in the process of being resolved.

In addition to the accounts alleged in the SOR, Applicant addressed various other accounts that were not alleged in the SOR, and they have been resolved. Other than the accounts alleged in the SOR, Applicant is not aware of any other delinquent accounts. Following the hearing, Applicant prepared a Personal Financial Statement to reflect her combined monthly net income (\$4,572); monthly expenses (\$4,324), including those made to her creditors described above; and a monthly remainder (\$203) available for discretionary saving or spending.¹⁸ The unanticipated expenses associated with the

¹² GE 3, *supra* note 1, at 5, 10; GE 2, *supra* note 1, at 4; Answer to the SOR, *supra* note 3, at 2.

¹³ GE 2, *supra* note 1, at 4.

¹⁴ AE E (Letter, dated August 1, 2017). AE Q is an identical copy of AE E; AE N, *supra* note 4, at 2.

¹⁵ AE E (Letter, dated April 17, 2018).

¹⁶ GE 3, *supra* note 1, at 15.

¹⁷ AE F (Letter, dated November 3, 2017); AE F (Transaction History, various dates).

¹⁸ AE J (Personal Financial Statement, undated); AE L (Monthly Income, dated July 2018); AE K (Bills, dated July 2018).

earlier described problems have disappeared, and Applicant has made significant progress in stabilizing her finances and avoiding other financial delinquencies. In July 2018, Applicant completed financial counseling with a certified financial planner.¹⁹

Character References and Work Performance

One friend, who has known Applicant for 15 years, described her as a hard-working person of integrity who is very hospitable, disciplined, kind-hearted, loyal, strong, and morally excellent.²⁰ Applicant's annual performance reviews over the years generally reflect an individual whose performance exceeds expectations, although there are instances where she is either exceptional or merely meets expectations.²¹

Policies

The U.S. Supreme Court has recognized the substantial discretion of the Executive Branch in regulating access to information pertaining to national security emphasizing, "no one has a 'right' to a [position of public trust]."²² As Commander in Chief, the President has the authority to control access to information bearing on national security and to determine whether an individual is sufficiently trustworthy to have access to such information. DOD contractor personnel are afforded the right to the procedures contained in the Directive before any final unfavorable access determination may be made.²³

Positions formerly designated as ADP I or ADP II are classified as noncritical-sensitive positions and include those personnel "[w]ith access to automated systems that contain military active duty, guard, or reservists' personally identifiable information or information pertaining to Service members that is otherwise protected from disclosure by [the DOD Privacy Program] where such access has the potential to cause serious damage to the national security."²⁴

When evaluating an applicant's suitability for a public trust position, the administrative judge must consider the guidelines in SEAD 4. In addition to brief introductory explanations for each guideline, the guidelines list potentially disqualifying

¹⁹ AE M (E-mail, dated July 26, 2018).

²⁰ AE G (Character Reference, dated July 23, 2018).

²¹ AE H (Performance Reviews, various dates).

²² *Department of the Navy v. Egan*, 484 U.S. 518, 528 (1988).

²³ It should be noted that a memorandum from the Deputy Under Secretary of Defense for Counterintelligence and Security, Adjudication of Trustworthiness Cases, dated November 19, 2004, covers the handling of trustworthiness cases under the Directive. The memorandum directed the Defense Office of Hearings and Appeals (DOHA) to continue to utilize the Directive in ADP contractor cases for trustworthiness determinations.

²⁴ Manual, ¶ 4.1.a. (3)(c).

conditions and mitigating conditions, which are used in evaluating an applicant's eligibility for a public trust position.

An administrative judge need not view the guidelines as inflexible, ironclad rules of law. Instead, acknowledging 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 common sense decision. 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 meaningful decision.

In the decision-making process, facts must be established by "substantial evidence."²⁵ The Government initially has the burden of producing evidence to establish a potentially disqualifying condition under the Directive, and has the burden of establishing controverted facts alleged in the SOR. Once the Government has produced substantial evidence of a disqualifying condition, under Directive ¶ E3.1.15, the applicant has the burden of persuasion to present evidence in refutation, explanation, extenuation or mitigation, sufficient to overcome the doubts raised by the Government's case. The burden of disproving a mitigating condition never shifts to the Government.²⁶

A person who seeks access to sensitive 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 as well. It is because of this special relationship that the Government must be able to repose a high degree of trust and confidence in those individuals to whom it grants access to sensitive information. Decisions include, by necessity, consideration of the possible risk the applicant may deliberately or inadvertently fail to safeguard sensitive information. Such decisions entail a certain degree of legally permissible extrapolation as to potential, rather than actual, risk of compromise of sensitive information. Furthermore, security clearance determinations, and by inference, public trust determinations, should err, if they must, on the side of denials.²⁷ In reaching this decision, I have drawn only those conclusions that are reasonable, logical, and based on the evidence contained in the record. Likewise, I have avoided drawing inferences grounded on mere speculation or conjecture.

²⁵ "Substantial evidence [is] such relevant evidence as a reasonable mind might accept as adequate to support a conclusion in light of all contrary evidence in the record." ISCR Case No. 04-11463 at 2 (App. Bd. Aug. 4, 2006) (citing Directive ¶ E3.1.32.1). "Substantial evidence" is "more than a scintilla but less than a preponderance." See *v. Washington Metro. Area Transit Auth.*, 36 F.3d 375, 380 (4th Cir. 1994).

²⁶ See ISCR Case No. 02-31154 at 5 (App. Bd. Sep. 22, 2005).

²⁷ *Egan*, 484 U.S. at 531.

Analysis

Guideline F, Financial Considerations

The trustworthiness concern relating to the guideline for Financial Considerations is set out in AG ¶ 18:

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. Financial distress can also be caused or exacerbated by, and thus can be a possible indicator of, other issues of personnel security concern such as excessive gambling, mental health conditions, substance misuse, or alcohol abuse or dependence. An individual who is financially overextended is at greater risk of having to engage in illegal or otherwise questionable acts to generate funds. Affluence that cannot be explained by known sources of income is also a security concern insofar as it may result from criminal activity, including espionage.

The guideline notes several conditions that could raise trustworthiness concerns under AG ¶19:

- (a) inability to satisfy debts;
- (b) unwillingness to satisfy debts regardless of the ability to do so; and
- (c) a history of not meeting financial obligations.

Applicant failed to maintain several accounts in a current status and a number of them became delinquent. Accounts were placed for collection or charged-off, and in one instance, a judgment was filed. Those debts total approximately \$34,302. AG ¶¶ 19(a) and 19(c) have been established. AG ¶ 19(b) has not been established because there is no evidence that Applicant had the ability to pay her debts but was unwilling to do so.

The guideline also includes examples of conditions that could mitigate trustworthiness concerns arising from financial difficulties under 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;²⁸

²⁸ A debt that became delinquent several years ago is still considered recent because "an applicant's ongoing, unpaid debts evidence a continuing course of conduct and, therefore, can be viewed as recent for purposes of the Guideline F mitigating conditions." ISCR Case No. 15-06532 at 3 (App. Bd. Feb. 16, 2017) (citing ISCR Case No. 15-01690 at 2 (App. Bd. Sept. 13, 2016)).

(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 individual has received or is receiving financial 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; and

(d) the individual initiated and is adhering to a good-faith effort to repay overdue creditors or otherwise resolve debts.²⁹

AG ¶¶ 20(a), 20(b), 20(c), and 20(d) all fully or partially apply. Applicant's financial difficulties arose initially in 2006 and continued until 2015 with significant health issues involving her mother, mother-in-law, husband, and son. They were exacerbated when her husband lost his job. The continuing combination of family health and employment issues, all of which individually and cumulatively were largely beyond her control, increased family expenses and reduced the family income. Applicant acted responsibly by seeking information from her creditors or collection agents.³⁰ She reached out to the various creditors, collection attorneys, and collection agents, and discussed settlement possibilities. Applicant paid off her non-SOR debts as well as some SOR debts, and entered into repayment agreements with other creditors. As her debts were reduced, Applicant continued making her monthly payments with the intention of increasing those payments as the opportunity to do so presented itself. Applicant offered substantial evidence to indicate that her financial situation is now under better control. She also

²⁹ The Appeal Board has previously explained what constitutes a good-faith effort to repay overdue creditors or otherwise resolve debts:

In order to qualify for application of [the "good-faith" mitigating condition], an applicant must present evidence showing either a good-faith effort to repay overdue creditors or some other good-faith action aimed at resolving the applicant's debts. The Directive does not define the term "good-faith." However, the Board has indicated that the concept of good-faith "requires a showing that a person acts in a way that shows reasonableness, prudence, honesty, and adherence to duty or obligation." Accordingly, an applicant must do more than merely show that he or she relied on a legally available option (such as bankruptcy [or statute of limitations]) in order to claim the benefit of [the "good-faith" mitigating condition].

(internal citation and footnote omitted) ISCR Case No. 02-30304 at 3 (App. Bd. Apr. 20, 2004) (quoting ISCR Case No. 99-9020 at 5-6 (App. Bd. June 4, 2001)).

³⁰ "Even if Applicant's financial difficulties initially arose, in whole or in part, due to circumstances outside his [or her] control, the Judge could still consider whether Applicant has since acted in a reasonable manner when dealing with those financial difficulties." ISCR Case No. 05-11366 at 4 n.9 (App. Bd. Jan. 12, 2007) (citing ISCR Case No. 99-0462 at 4 (App. Bd. May 25, 2000); ISCR Case No. 99-0012 at 4 (App. Bd. Dec. 1, 1999); ISCR Case No. 03-13096 at 4 (App. Bd. Nov. 29, 2005)). A component is whether he or she maintained contact with creditors and attempted to negotiate partial payments to keep debts current.

received financial counseling. Applicant's actions under the circumstances no longer cast doubt on her current reliability, trustworthiness, and good judgment.³¹

Trustworthiness decisions are aimed at evaluating an applicant's judgment, reliability, and trustworthiness. They are not a debt-collection procedure. The guidelines do not require an applicant to establish resolution of every debt or issue alleged in the SOR. An applicant needs only to establish a plan to resolve financial problems and take significant actions to implement the plan. There is no requirement that an applicant immediately resolve issues or make payments on all delinquent debts simultaneously, nor is there a requirement that the debts or issues alleged in an SOR be resolved first. Rather, a reasonable plan and concomitant conduct may provide for the payment of such debts, or resolution of such issues, one at a time. Mere promises to pay debts in the future, without further confirmed action, are insufficient. In this instance, however, Applicant's promises transitioned into positive action, and she now has a history of fulfilling her promises.

Whole-Person Concept

Under the whole-person concept, the administrative judge must evaluate an applicant's eligibility for a position of public trust by considering the totality of the applicant's conduct and all the circumstances. The administrative judge should consider the nine adjudicative process factors listed at SEAD 4, App. A, ¶ 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 SEAD 4, App. A, ¶ 2(c), the ultimate determination of whether to grant eligibility for a position of public trust must be an overall commonsense judgment based upon careful consideration of the guidelines and the whole-person concept. Moreover, I have evaluated the various aspects of this case in light of the totality of the record evidence and have not merely performed a piecemeal analysis.³²

There is some evidence against mitigating Applicant's conduct. Seven of Applicant's accounts, totaling \$34,302, became delinquent when she failed to maintain them in a current status. They were placed for collection or charged-off, and in one instance, a judgment was filed.

³¹ See ISCR Case No. 09-08533 at 3-4 (App. Bd. Oct. 6, 2010).

³² See *U.S. v. Bottone*, 365 F.2d 389, 392 (2d Cir. 1966); See also ISCR Case No. 03-22861 at 2-3 (App. Bd. Jun. 2, 2006).

The mitigating evidence under the whole-person concept is more substantial. Applicant is a 53-year-old employee of a defense contractor. She has been serving as a claims processor – a position of public trust – with her current employer since May 1998. She has been described as a hard-working person of integrity who is very hospitable, disciplined, kind-hearted, loyal, strong, and morally excellent. Her annual performance reviews generally reflect an individual whose performance exceeds expectations. Rather than simply ignoring her creditors, Applicant reached out to them and discussed settlement or repayment possibilities. She paid off her non-SOR debts as well as some SOR debts, and entered into repayment agreements with other creditors. She has continued to make her regular anticipated payments under those agreements.

Overall, the evidence leaves me without questions and doubts as to Applicant’s eligibility and suitability for a position of public trust. For all of these reasons, I conclude Applicant has successfully mitigated the trustworthiness concerns arising from her financial issues. See SEAD 4, App. A, ¶¶ 2(d)(1) through AG 2(d)(9).

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
Subparagraphs 1.a. through 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 position of public trust to support a contract with the DOD. Eligibility is granted.

ROBERT ROBINSON GALES
Administrative Judge