



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



In the matter of:)
)
 ---) ISCR Case No. 18-01364
)
 Applicant for Security Clearance)

Appearances

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

02/13/2019

Decision

GALES, Robert Robinson, Administrative Judge:

Applicant failed to mitigate the security concerns regarding financial considerations and personal conduct. Eligibility for a security clearance is denied.

Statement of the Case

On March 30, 2012, and again on August 13, 2015, Applicant applied for a security clearance and submitted Electronic Questionnaires for Investigations Processing (e-QIP) versions of a Security Clearance Application. On June 20, 2018, the Department of Defense (DOD) Consolidated Adjudications Facility (CAF) issued a Statement of Reasons (SOR) to him, 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); 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 security concerns under Guidelines E (Personal Conduct) and F (Financial Considerations) and detailed reasons why the DOD adjudicators were unable to find that it is clearly consistent with the national interest to grant or continue a security clearance for Applicant. The SOR recommended referral to an administrative judge to determine whether a clearance should be granted, continued, denied, or revoked.

It is unclear when Applicant received the SOR as there is no receipt in the case file. In a sworn statement, dated July 17, 2018, supplemented by an e-mail message, dated August 12, 2018, Applicant responded to the SOR and elected to have his case decided on the written record in lieu of a hearing. A complete copy of the Government's file of relevant material (FORM) was mailed to Applicant by the Defense Office of Hearings and Appeals (DOHA) on September 26, 2018, and he was afforded an opportunity after receipt of the FORM to file objections and submit material in refutation, extenuation, or mitigation. In addition to the FORM, Applicant was furnished a copy of the Directive as well as the Adjudicative Guidelines applicable to his case. Applicant received the FORM on October 2, 2018. Applicant apparently chose not to respond to the FORM, for as of November 29, 2018, he had not done so. The case was assigned to me on January 25, 2019.

Findings of Fact

In his Answer and Supplemental Answer to the SOR, Applicant admitted, without comments, both of the factual allegations pertaining to personal conduct in the SOR (SOR ¶¶ 1.a. and 1.b.), and nearly all of the factual allegations pertaining to financial considerations in the SOR (SOR ¶¶ 2.b. through 2.i.), although he disputed the amount set forth in SOR ¶ 2.f. He failed to respond with an "admit" or "deny" to SOR ¶ 2.a., so a denial was registered for him. Applicant's admissions 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 37-year-old employee of a defense contractor. The record is silent as to the position that he now holds, and when he joined his new employer. A 1999 high school graduate, Applicant received some college credits, but no degree. He enlisted in the U.S. Army in July 1999, and served on active duty until August 2003, when he was administratively discharged, and issued a General Discharge Under Honorable Conditions. He stated that he was granted access to sensitive compartmented information (SCI) in 2000 and 2008, but did not identify the level of the clearances granted, and a subsequent application for a security clearance was denied. Applicant has never been married, and he reports no children.

Personal Conduct

In September 2011, Applicant's application for a security clearance was denied by another government agency when it was determined that he had 20 delinquent accounts, totaling more than \$18,000; because he had misused corporate credit cards issued to him by two former employers (in March 2005, when he charged \$3,000; and in 2008-2009, when he charged \$29,000); and because he had received a General Discharge

Under Honorable Conditions from the U.S. Army, in part because he wrote checks with insufficient funds.¹

On October 12, 2017, Applicant was terminated by his employer for willful misuse of company assets, by continuously charging non-business related expenses on his company credit card in violation of company policies. A review of his credit card usage revealed over \$7,500 in personal charges, including more than \$4,000 in rental car transactions; \$1,200 on Uber transactions; \$623 on cable television costs; and over \$800 at a sports bar with billiards. In addition, Applicant allowed the account to become over 130 days delinquent, resulting in the card being cancelled and the balance of over \$7,500 being charged to the company.²

Financial Considerations³

It is unclear when Applicant first started having financial difficulties, and he did not identify any factors that contributed to them. The record does refer to three periods of unemployment: August 2003 until September 2003; September 2006, for less than a month when he was fired because he repeatedly failed to come to work on time; and November 2006 until May 2007. Because of his financial difficulties Applicant apparently had insufficient funds to cover all of his monthly bills, and corporate credit cards were sometimes used by him. Accounts became delinquent, some accounts were charged off, judgments were filed against him, and one vehicle was repossessed. Some of those delinquent debts were not alleged in the SOR.⁴ Applicant never received financial counseling.

In addition to the three company credit-card accounts described above, the SOR identified eight delinquent accounts that had been placed for collection or charged off as

¹ Item 3 (e-QIP, dated March 30, 2012), at 41-42; Item 4 (e-QIP, dated August 13, 2015), at 44-46; Item 2 (Applicant's Answer to the SOR, dated July 17, 2018), at 1; Item 5 (Personal Subject Interview, dated June 6, 2012), at 1, 7.

² Item 8 (Employment Records – Termination of Employment, dated October 12, 2017).

³ General source information pertaining to the financial accounts discussed below can be found in the following exhibits: Item 9 (Combined Experian, TransUnion, and Equifax Credit Report, dated August 20, 2015); Item 10 (Equifax Credit Report, dated April 12, 2018); Item 8, *supra* note 2; Item 5, *supra* note 1; Item 6 (Enhanced Subject Interview, dated June 20, 2017); Item 6 (Subject Contact, dated August 10, 2017); Item 3, *supra* note 1; Item 4, *supra* note 1; and Item 2, *supra* note 1.

⁴ Unalleged conduct can be considered for certain purposes, as discussed by the DOHA Appeal Board. (Conduct not alleged in an SOR may be considered: (a) to assess an applicant's credibility; (b) to evaluate an applicant's evidence of extenuation, mitigation, or changed circumstances; (c) to consider whether an applicant has demonstrated successful rehabilitation; (d) to decide whether a particular provision of the Adjudicative Guidelines is applicable; or (e) to provide evidence for whole-person analysis under Directive § 6.3.). See ISCR Case No. 03-20327 at 4 (App. Bd. Oct. 26, 2006); (citing ISCR Case No. 02-07218 at 3 (App. Bd. Mar. 15, 2004); ISCR Case No. 00-0633 at 3 (App. Bd. Oct. 24, 2003)). See also ISCR Case No. 12-09719 at 3 (App. Bd. April 6, 2016) (citing ISCR Case No. 14-00151 at 3, n. 1 (App. Bd. Sept. 12, 2014); ISCR Case No. 03-20327 at 4 (App. Bd. Oct. 26, 2006)). Applicant's unlisted and unalleged delinquent accounts will be considered only for the five purposes listed above.

generally reflected by Applicant's August 2015 or April 2018 credit reports. Those debts, totaling approximately \$27,364, none of which were addressed or resolved by Applicant since his June 2012, June 2017, or his August 2017 interviews with an investigator from the U.S. Office of Personnel Management (OPM), are described as follows: an automobile loan that was charged off in the amount of \$12,360 (SOR ¶ 2.b.); an apartment lease with an unpaid balance of \$8,813 (SOR ¶ 2.c.); a charge account that was charged off in the amount of \$3,841 (SOR ¶ 2.d.); a cable account with an unpaid balance of \$799 (SOR ¶ 2.e.); a telephone account with an unpaid balance of \$791 (SOR ¶ 2.f.); a medical account with an unpaid balance of \$482 (SOR ¶ 2.g.); an unspecified type of bank account that was charged off in the amount of \$153 (SOR ¶ 2.h.); and a medical account with an unpaid balance of \$125 (SOR ¶ 2.i.).

It is not known what Applicant's current financial resources may be because he did not report his current net monthly income; monthly expenses; and any monthly remainder that might be available for discretionary spending or savings. There is no evidence of a budget. Applicant offered no evidence to indicate that his financial situation is now under control.

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 security clearance."⁵ 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. The President has authorized the Secretary of Defense or his designee to grant an applicant eligibility for access to classified information "only upon a finding that it is clearly consistent with the national interest to do so."⁶

When evaluating an applicant's suitability for a security clearance, the administrative judge must consider the guidelines in SEAD 4. In addition to brief introductory explanations for each guideline, the guidelines list potentially disqualifying conditions and mitigating conditions, which are used in evaluating an applicant's eligibility for access to classified information.

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 commonsense 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,

⁵ *Department of the Navy v. Egan*, 484 U.S. 518, 528 (1988).

⁶ Exec. Or. 10865, *Safeguarding Classified Information within Industry* § 2 (Feb. 20, 1960), as amended and modified.

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.”⁷ 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.⁸

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 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 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 as to potential, rather than actual, risk of compromise of classified information. Furthermore, “security clearance determinations should err, if they must, on the side of denials.”⁹

Clearance decisions must be “in terms of the national interest and shall in no sense be a determination as to the loyalty of the applicant concerned.”¹⁰ Thus, nothing in this decision should be construed to suggest that I have based this decision, in whole or in part, on any express or implied determination as to Applicant’s allegiance, loyalty, or patriotism. It is merely an indication the Applicant has or has not met the strict guidelines the President and the Secretary of Defense have established for issuing a clearance. 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.

⁷ “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).

⁸ See ISCR Case No. 02-31154 at 5 (App. Bd. Sep. 22, 2005).

⁹ *Egan*, 484 U.S. at 531.

¹⁰ See Exec. Or. 10865 § 7.

Analysis

Guideline E, Personal Conduct

The security concern relating to the guideline for Personal Conduct is set out in AG ¶ 18:

Conduct involving questionable judgment, lack of candor, dishonesty, or unwillingness to comply with rules and regulations can raise questions about an individual's reliability, trustworthiness, and ability to protect classified or sensitive information. Of special interest is any failure to cooperate or provide truthful and candid answers during national security investigative or adjudicative processes. The following will normally result in an unfavorable national security eligibility determination, security clearance action, or cancellation of further processing for national security eligibility:

(a) refusal, or failure without reasonable cause, to undergo or cooperate with security processing, including but not limited to meeting with a security investigator for subject interview, completing security forms or releases, cooperation with medical or psychological evaluation, or polygraph examination, if authorized and required; and

(b) refusal to provide full, frank, and truthful answers to lawful questions of investigators, security officials, or other official representatives in connection with a personnel security or trustworthiness determination.

¶ 16: The guideline notes some conditions that could raise security concerns under AG

(d) Credible adverse information that is not explicitly covered under any other guideline and may not be sufficient by itself for an adverse determination, but which, when combined with all available information, supports a whole-person assessment of questionable judgment, untrustworthiness, unreliability, lack of candor, unwillingness to comply with rules and regulations, or other characteristics indicating that the individual may not properly safeguard classified or sensitive information. This includes, but is not limited to, consideration of: (1) untrustworthy or unreliable behavior to include breach of client confidentiality, release of proprietary information, unauthorized release of sensitive corporate or government protected information; . . . (3) a pattern of dishonesty or rule violations; and (4) evidence of significant misuse of [the] employer's time or resources;

(e) personal conduct, or concealment of information about one's conduct, that creates a vulnerability to exploitation, manipulation, or duress by a

foreign intelligence entity or other individual or group. Such conduct includes: (1) engaging in activities which, if known, could affect the person's personal, professional, or community standing. . . .; and

(f) violation of a written or recorded commitment made by the individual to the employer as a condition of employment.

Applicant's poor military performance and rule violations resulted in his being discharged and issued a General Discharge Under Honorable Conditions. He misused corporate credit cards issued to him by several employers, in one instance improperly charging over \$7,500 in personal charges, including more than \$4,000 in rental car transactions; \$1,200 on Uber transactions; \$623 on cable television costs; and over \$800 at a sports bar with billiards. His conduct over a number of years established a clear pattern of dishonesty and rule violations, as well a significant misuse of his employers' resources. He was fired from employment as recently as October 2017 for willful his misuse of company assets in violation of company policies. In addition, Another Government Agency denied his eligibility for a security clearance. AG ¶¶ 16(d) and 16(e) have been established.

The guideline also includes examples of conditions under AG ¶ 17 that could mitigate security concerns arising from personal conduct. They include:

(c) the offense is so minor, or so much time has passed, or the behavior is so infrequent, or it happened under such unique circumstances that it is unlikely to recur and does not cast doubt on the individual's reliability, trustworthiness, or good judgment;

(d) the individual has acknowledged the behavior and obtained counseling to change the behavior or taken other positive steps to alleviate the stressors, circumstances, or factors that contributed to untrustworthy, unreliable, or other inappropriate behavior, and such behavior is unlikely to recur; and

(e) the individual has taken positive steps to reduce or eliminate vulnerability to exploitation, manipulation, or duress;

None of the mitigating conditions apply. Applicant's pattern of behavior, whether it refers to routinely ignoring military rules and regulations or to violating corporate policies, is a common theme that is frequent and generally recurs, regardless of his employment environment. Recognizing that Applicant was previously denied a security clearance, he offered no evidence to indicate that he has taken positive steps to alleviate the factors that contributed to his unreliable and inappropriate behavior since that denial action. Applicant's actions under the circumstances continue to cast doubt on his current reliability, trustworthiness, and good judgment.

Guideline F, Financial Considerations

The security 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 security 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.

In addition to the three company credit-card accounts that Applicant misused over several years, the SOR identified eight delinquent accounts that had been placed for collection or charged off, totaling approximately \$27,364. Those accounts remain unaddressed and delinquent. Because of the absence of information regarding Applicant's finances over the past few years, it is difficult to determine if he was unwilling, but able, to address his debts, or simply unable to do so. AG ¶¶ 19(a), 19(b), and 19(c) have been established.

The guideline also includes examples of conditions that could mitigate security 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;¹¹

¹¹ 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;

(d) the individual initiated and is adhering to a good-faith effort to repay overdue creditors or otherwise resolve debts;¹² 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.

AG ¶ 20(b) minimally applies, but none of the remaining mitigating conditions apply. The nature, frequency, and recency of Applicant's continuing financial difficulties make it difficult to conclude that it occurred "so long ago" or "was so infrequent," or that it is "unlikely to recur." Applicant failed to explain why or how he got into debt. He did not specifically attribute his financial difficulties to any identified factors. He offered no statements or documentation to reflect that he had made any efforts, before or after he was interviewed by OPM, or before or after the SOR was issued in June 2018, to: obtain financial counseling from a legitimate and credible source, such as a non-profit credit counseling service; dispute his delinquent accounts with the credit reporting agencies or the creditors themselves; contact his creditors to set up repayment plans; or indicate that payments had been made to his creditors.¹³ An applicant who begins to resolve his

¹² 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)).

¹³ See ISCR Case No. 12-01335 at 5 (App. Bd. Dec. 29, 2017).

financial problems only after being placed on notice that his or her security clearance is in jeopardy may be lacking in the judgment and self-discipline to follow rules and regulations over time or when there is no immediate threat to his or her own interests.¹⁴

Clearance 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, to date, there is no evidence that any corrective actions have been taken by Applicant. There is no evidence to conclude that Applicant's finances are under control. Applicant's actions under the circumstances continue to cast doubt on his current reliability, trustworthiness, and good judgment.¹⁵

Whole-Person Concept

Under the whole-person concept, the administrative judge must evaluate an applicant's eligibility for a security clearance 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 a security clearance 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.¹⁶

¹⁴ See, e.g., ISCR Case No. 17-01213 at 5 (App. Bd. Jun. 29, 2018); ISCR Case No. 17-00569 at 3-4 (App. Bd. Sept. 18, 2018).

¹⁵ See ISCR Case No. 09-08533 at 3-4 (App. Bd. Oct. 6, 2010).

¹⁶ 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).

There is very little evidence mitigating Applicant's conduct. Applicant is a 37-year-old employee of a defense contractor. He is a 1999 high school graduate, and he received some college credits, but no degree.

The disqualifying evidence under the whole-person concept is simply more substantial. He was administratively discharged by the U.S. Army, and issued a General Discharge Under Honorable Conditions, due in part to writing checks with insufficient funds; he misused company credit cards with different employers, and he was either disciplined or terminated; and he was previously denied a security clearance. Although not alleged in the SOR, he also had alcohol-related issues and used marijuana. It is now mid-February 2019, and Applicant has not shown any voluntary effort to address his delinquent debts. Applicant's current financial situation is unknown. Considering the lack of evidence regarding his current finances, I am unable to reach a positive conclusion pertaining to Applicant's eligibility for a security clearance.

The Appeal Board has addressed a key element in the whole-person analysis in financial cases stating:¹⁷

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. However, an applicant is not required, as a matter of law, to establish that he [or she] has paid off each and every debt listed in the SOR. All that is required is that an applicant demonstrate that he [or she] has ". . . established a plan to resolve his [or her] financial problems and taken significant actions to implement that plan." The Judge can reasonably consider the entirety of an applicant's financial situation and his [or her] 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. 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.

Applicant has demonstrated an extremely poor track record of debt reduction and elimination efforts, failing to take any corrective actions with respect to his delinquent debts. Overall, the evidence leaves me with substantial questions and doubts as to Applicant's eligibility and suitability for a security clearance. For all of these reasons, I conclude Applicant has failed to mitigate the security concerns arising from his personal conduct and his financial considerations. See SEAD 4, App. A, ¶¶ 2(d)(1) through AG 2(d)(9).

¹⁷ ISCR Case No. 07-06482 at 2-3 (App. Bd. May 21, 2008) (internal citations omitted).

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 E:	AGAINST APPLICANT
Subparagraphs 1.a. and 1.b:	Against Applicant
Paragraph 2, Guideline F:	AGAINST APPLICANT
Subparagraphs 2.a. through 2.i.:	Against Applicant

Conclusion

In light of all of the circumstances presented by the record in this case, it is not clearly consistent with the national interest to grant Applicant eligibility for a security clearance. Eligibility for access to classified information is denied.

ROBERT ROBINSON GALES
Administrative Judge