



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



In the matter of:)
)
 ---) ADP Case No. 18-02027
)
 Applicant for Public Trust Position)

Appearances

For Government: Tara R. Karoian, Esquire, Department Counsel
For Applicant: *Pro se*

04/26/2019

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 18, 2016, Applicant applied for a public trust position and submitted an Electronic Questionnaire for Investigations Processing (e-QIP). On September 7, 2018, the Department of Defense (DOD) Consolidated Adjudications Facility (CAF) issued a Statement of Reasons (SOR) to her, under 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 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.

It is unclear when Applicant received the SOR as there is no receipt in the case file. In a sworn statement, dated October 26, 2018, Applicant responded to the SOR and elected to have her 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 December 20, 2018, and she was afforded an opportunity 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 her case. Applicant received the FORM on January 15, 2019. Applicant's response was originally due within 30 days of the receipt of the FORM, but she was granted a 30-day extension. Applicant responded to the FORM by submitting a statement and associated documents on March 4, 2019, all of which were accepted without objection. The case was assigned to me on April 16, 2019.

Findings of Fact

In her Answer to the SOR, Applicant admitted (by using the term "I accept") all of the factual allegations in the SOR (SOR ¶¶ 1.a. through 1.m.). Attached to her Answer to the SOR were a number of documents and comments in support of her individual responses. Applicant's admissions, comments, and the information in the attachments 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 30-year-old employee of a U.S. Naval hospital located overseas. She has been serving as a medical assistant with her current employer since August 2016, and previously served as a volunteer in the same facility from January 2016 until August 2016. Before that, she was a certified nursing assistant for a domestic healthcare provider for several years commencing in 2006. A 2006 high school graduate, she received an associate's degree as an x-ray medical technician and medical assistant in 2011. Applicant has never served with the U.S. military. She has never held a security clearance, and it is unclear if she ever held a position of public trust. Applicant was married in 2008. She has two children, born in 2008 and 2009.

Financial Considerations¹

It is unclear when Applicant's financial difficulties first arose, although a review of her March 2016 credit report seems to indicate that some accounts became delinquent as early as 2013. In her e-QIP, Applicant reported that she was employed as a certified

¹ General source information pertaining to the financial issues discussed below can be found in the following exhibits: Item 6 (Enhanced Subject Interview, dated May 1, 2018); Item 5 (Combined Experian, TransUnion, and Equifax Credit Report, dated March 3, 2016); Item 4 (Equifax Credit Report, dated July 3, 2018); and Item 2 (Applicant's Answer to the SOR, dated October 26, 2018).

nursing assistant from June 2006 until at least February 2016,² but during an interview with an investigator from the U.S. Office of Personnel Management (OPM) in May 2018, she stated that she was unemployed from April 2015 until January 2016 when she was moving with her family overseas, house-hunting, job-hunting, and unpacking.³ In her e-QIP, she denied having any financial delinquencies within the past seven years, but during her OPM interview, she acknowledged and discussed a number of delinquent accounts. With the exception of one credit-card account for which she was an authorized user, and on which her husband failed to make payments while he was deployed to Afghanistan, Applicant did not identify any factors that were largely beyond her control that might have resulted in her financial problems.

The SOR alleged 13 purportedly continuing delinquent debts, including nine student loans and four commercial accounts or credit-card accounts, totaling approximately \$52,549 that had been placed for collection, as follows:

(SOR ¶¶ 1.a., 1.b., 1.d., 1.f. through 1.j., and 1.m.): These are student loans with unpaid balances of \$9,635; \$7,805; \$5,499; \$4,491; \$4,358; \$4,201; \$2,208; \$1,981; and \$460 that were placed for collection as reflected in her July 2018 credit report. However, Applicant contends that there are only three student loans which are mentioned multiple times, each time with a different balance. The account numbers in the 2016 credit report are all different 20-digit numbers, but the three different account numbers (or partial account numbers) in the 2018 credit report are all 4-digit numbers, none of which have any commonality with the longer numbers. Applicant acknowledged that her wages were being garnished to pay her student loans, and every few months her entire paycheck is taken.⁴ Attached to her October 2018 Answer to the SOR, as well as her March 2019 Response to the FORM, Applicant submitted documentation reflecting that the U.S. Department of the Treasury, Bureau of Fiscal Service (Fiscal Service) was offsetting her wages under the Treasury Offset Program (TOP) to the U.S. Department of Education.⁵ The earliest wage offset occurred in January 2017 – 18 months before the SOR was issued – with a payment of \$1,178.⁶ Thereafter, there are a number of vouchers and statements reflecting continuing payments through March 2019, totaling well over \$14,000.⁷ The accounts, regardless of the actual number, are in the process of being resolved.

² Item 3 (e-QIP, dated February 18, 2016), at 13.

³ Item 6, *supra* note 1, at 3.

⁴ Applicant's Response to the FORM, dated March 4, 2019.

⁵ The TOP is a centralized offset program, administered by the Bureau of the Fiscal Service's Debt Management Services (DMS), to collect delinquent debts owed to federal agencies and states (including past-due child support), in accordance with 26 U.S.C. § 6402(d) (collection of debts owed to federal agencies), 31 U.S.C. § 3720A (reduction of tax refund by amount of the debts), and other applicable laws. See <https://fiscal.treasury.gov/top/how-top-works.html>

⁶ Detail Report, dated January 10, 2017, attached to Applicant's Response to the FORM.

⁷ Item 2 (Detail Reports, various dates), attached to Applicant's Answer to the SOR; Item 2 (Fiscal Service Statements, various dates), attached to Applicant's Answer to the SOR; Detail Reports, various

(SOR ¶ 1.c.): This is a joint installment-sales contract with an unpaid balance of \$5,717 that was placed for collection after the last payment was made in 2013, and the creditor was unable to locate the consumer. In August 2018, the creditor accepted Applicant's proposed payment plan under which she agreed to start making monthly payments of \$200, commencing on September 1, 2018.⁸ Applicant contends she has been making the agreed-upon payments and that, as of March 2019, she has a balance of \$4,785.⁹ She failed to submit any documents such as receipts, cancelled checks, or bank account registers to confirm that those payments were actually being made. In the absence of such documentation, it is unclear if the account is in the process of being resolved.

(SOR ¶ 1.e.): This is a credit-card account in her husband's name, for which Applicant is only an authorized user,¹⁰ with an unpaid balance of either \$5,023 (as reflected in the 2016 credit report and in the SOR) or \$4,973 (as reflected in the 2018 credit report) that was placed for collection and charged off. Applicant contended that the creditor agreed to write off the balance, and that forgiven balance was included in her U.S. Individual Income Tax Return for 2016 as other income.¹¹ Applicant submitted that income tax return which reflects that a credit card in the amount of \$4,974 is listed as other income. The account has been resolved.

(SOR ¶ 1.k.): This is an individual credit-card account issued by a particular bank with an unpaid balance of \$638 that was placed for collection. In her Answer to the SOR, Applicant contended that the account had been paid, and she submitted an account statement from the collection agent. However, that account statement refers to an entirely different account for the following reasons: the account is an account in her husband's name, not Applicant's; the account number differs from the one alleged in the SOR; the issuing banks are different; and the balances in question are different.¹² As Applicant failed to address the account alleged in the SOR, that account has not been resolved.

(SOR ¶ 1.l.): This is an individual unspecified type of account issued by a bank with an unpaid balance of \$533 that was placed for collection and transferred or sold to

dates, attached to Applicant's Response to the FORM; Fiscal Service Statements, various dates, attached to Applicant's Response to the FORM.

⁸ Item 2 (e-mail, dated August 9, 2018).

⁹ Applicant's Response to the FORM, *supra* note 4.

¹⁰ Being an authorized user means an individual can use someone else's credit card in the individual's name. That individual can make purchases and use the card as if it were his or her own, but the individual is not the primary account holder. As an authorized user, the individual may not be legally responsible to pay the credit card bill or any debts that build up.

¹¹ U.S. Individual Income Tax Return for 2016, undated, attached to both Applicant's Answer to the SOR and Applicant's Response to the FORM.

¹² Account Statement, dated July 22, 2018, attached to both Applicant's Answer to the SOR and Applicant's Response to the FORM.

another company after Applicant stopped making payments in 2012. Applicant stated in her Response to the FORM that she was “currently working on getting my debt paid,”¹³ but she failed to say what steps she had actually taken to resolve the account and did not submit any documentation regarding same. The account has not been resolved.

Applicant’s joint family adjusted gross income for the tax year 2016 was \$47,866.¹⁴ Although Applicant referred to a weekly \$1,280 paycheck, there is no Personal Financial Statement to reflect her current net monthly income, monthly expenses, or any remainder available for discretionary use or savings. There is no evidence of a budget. There is no evidence of financial counseling. However, while there is a dearth of financial information, in the absence of any additional delinquent accounts, it appears that Applicant’s financial situation is now under control.

Work Performance and Character References

Applicant’s supervisor, a Navy lieutenant and the head of the substance abuse rehabilitation department of the military hospital overseas, characterized Applicant as consistently performing in a professional manner, demonstrating high reliability, and being proficient with her assigned duties. Applicant has freely discussed her financial problems with her.¹⁵ A more senior officer on the hospital staff referred to Applicant’s consistent performance, reliability, and professionalism, with no evidence to question her character or reliability.¹⁶ The assistant station manager of the American Red Cross identified Applicant as a volunteer. She has a good attendance record, is reliable, responsible, and has the enthusiasm and professionalism to be an asset in the healthcare environment.¹⁷

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].”¹⁸ 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.¹⁹

¹³ Applicant’s Response to the FORM, *supra* note 4.

¹⁴ U.S. Individual Income Tax Return for 2016, *supra* note 11.

¹⁵ Character Reference, dated February 25, 2019, attached to Applicant’s Response to the FORM.

¹⁶ Character Reference, dated February 25, 2019, attached to Applicant’s Response to the FORM.

¹⁷ Character Reference, dated June 13, 2016, attached to Applicant’s Response to the FORM.

¹⁸ *Department of the Navy v. Egan*, 484 U.S. 518, 528 (1988).

¹⁹ 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

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 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."²⁰ 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.²¹

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.²² In reaching this decision, I have drawn only those conclusions that

Office of Hearings and Appeals (DOHA) to continue to utilize the Directive in ADP contractor cases for trustworthiness determinations.

²⁰ "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).

²¹ See ISCR Case No. 02-31154 at 5 (App. Bd. Sep. 22, 2005).

²² *Egan*, 484 U.S. at 531.

are reasonable, logical, and based on the evidence contained in the record. Likewise, I have avoided drawing inferences grounded on mere speculation or conjecture.

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 has had a long-standing problem with her finances, stretching back to 2013. As a result, various accounts, including student loans, and commercial accounts or credit-card accounts, totaling approximately \$52,549, became delinquent. AG ¶¶ 19(a) and 19(c) have been established, but AG ¶ 19(b) has not been established.

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;²³

²³ 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

(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.²⁴

AG ¶ 20(d) applies, and AG ¶¶ 20(b) and 20(c) minimally apply, but AG ¶ 20(a) does not apply. The nature, frequency, and recency of Applicant's continuing financial difficulties make it difficult to conclude that it "was so infrequent," or that it is "unlikely to recur." Applicant's financial problems started in 2013 and have continued through today. She was unemployed from April 2015 until January 2016 when she was moving with her family overseas, house-hunting, job-hunting, and unpacking. Applicant did not identify any factors that were largely beyond her control that might have resulted in her financial problems. In January 2017 – 18 months before the SOR was issued – she entered into the TOP program and started having her wages offset, sometimes her entire weekly wage, to the U.S. Department of Education. She has submitted documentation that supports her contentions that, as of March 2019, her payments towards her delinquent student loans totaled well over \$14,000. In addition, she (and her husband) have addressed other delinquent accounts listed in the SOR, and in one case, they resolved an account for which Applicant had no legal responsibility.

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)).

²⁴ 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)).

An applicant who begins to resolve his or her financial problems only after being placed on notice that his or her eligibility for a public trust position 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.²⁵ However, while Applicant has not yet addressed two of the SOR-related accounts, in this instance because she addressed two accounts belonging to her husband, and two accounts are in a queue awaiting resolution efforts, Applicant's overall resolution efforts commenced well before she was formally notified that her finances could cause her eligibility for a public trust position to be in jeopardy.

As noted above, Applicant's joint family adjusted gross income for the tax year 2016 was \$47,866, including the amount of her forgiven credit-card balance. Although Applicant referred to a weekly \$1,280 paycheck, there is no Personal Financial Statement to reflect her current net monthly income, monthly expenses, or any remainder available for discretionary use or savings. There is no evidence of a budget. There is no evidence of financial counseling. However, while there is a dearth of financial information, in the absence of any additional delinquent accounts, it appears that Applicant's financial situation is now under control.

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, especially after a multi-year delay in taking any action, without further confirmed action, are insufficient. In this instance, however, Applicant's delays transitioned into positive action, and she now has a history of fulfilling her financial obligations. Applicant's actions, or inaction, under the circumstances cast doubt on her current reliability, trustworthiness, and good judgment.²⁶

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):

²⁵ 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).

²⁶ See ISCR Case No. 09-08533 at 3-4 (App. Bd. Oct. 6, 2010).

(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.²⁷

There is some evidence against mitigating Applicant's conduct. Applicant failed to maintain several accounts, including student loans, and commercial accounts or credit-card accounts, in a current status and a number of them became delinquent. Accounts totaling approximately \$52,549 were placed for collection or charged off.

The mitigating evidence under the whole-person concept is more substantial. Applicant is a 30-year-old employee of a U.S. Naval hospital located overseas. She has been serving as a medical assistant with her current employer since August 2016, and previously served as a volunteer in the same facility from January 2016 until August 2016. Before that, she was a certified nursing assistant for a domestic healthcare provider for several years commencing in 2006. A 2006 high school graduate, she received an associate's degree as an x-ray medical technician and medical assistant in 2011. She is considered by her superiors and colleagues to be a good worker, consistently demonstrating high reliability, responsibility, enthusiasm, professionalism, and being proficient with her assigned duties. In January 2017 – 18 months before the SOR was issued – she entered into the TOP program and started having her wages offset, sometimes her entire weekly wage, to the U.S. Department of Education. She has already made well over \$14,000 in payments towards her delinquent student loans, and she (and her husband) have addressed other delinquent accounts listed in the SOR, and in one case, they resolved an account for which Applicant had no legal responsibility. In the absence of any additional delinquent accounts, it appears that Applicant's financial situation is now under control.

The Appeal Board has addressed a key element in the whole-person analysis in financial cases stating:²⁸

²⁷ 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).

²⁸ ISCR Case No. 07-06482 at 2-3 (App. Bd. May 21, 2008) (internal citations omitted).

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 a fair-to-good track record of debt reduction and elimination efforts, resolving, or in the process of resolving most of her debts. Overall, the evidence leaves me without substantial 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 mitigated the trustworthiness concerns arising from her financial considerations. 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.m.:	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