DEPARTMENT OF DEFENSE
DEFENSE OFFICE OF HEARINGS AND APPEALS

In the matter of:	)	
	)	
	)	ISCR Case No. 18-02859
	)	
	)	
Applicant for Security Clearance	)	

Appearances

For Government: Adrienne Driskill, Esq., Department Counsel
For Appellant: Shirin Asgari, Esq.

09/19/2019

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Decision

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GLENDON, John Bayard, Administrative Judge:

This case involves security concerns raised under Guideline F (Financial Considerations). Applicant began experiencing serious financial difficulties in 2011, which were aggravated by her separation from her husband in 2012 and divorce in 2014. She testified and submitted a number of exhibits. Based upon the record as a whole, her evidence in mitigation was insufficient in light of her significant, long-standing debts. Eligibility for access to classified information is denied.

Statement of the Case

On February 28, 2019, the Department of Defense Consolidated Adjudications Facility (DOD CAF) sent Applicant a Statement of Reasons (SOR) setting forth numerous allegations under Guideline F. The DOD CAF acted under Executive Order 10865, *Safeguarding Classified Information within Industry* (Feb. 20, 1960); DOD Directive 5220.6, *Defense Industrial Personnel Security Clearance Review Program* (Jan. 2, 1992), as amended (Directive); and the adjudicative guidelines (AG) promulgated in Security

Executive Agent Directive 4, *National Security Adjudicative Guidelines* (Dec. 10, 2016), for all adjudicative decisions on or after June 8, 2017.

On May 16, 2019, Applicant responded to the SOR, admitting most of the SOR allegations with additional comments in mitigation. She requested a hearing before an administrative judge of the Defense Office of Hearings and Appeals (DOHA). On August 2, 2019, the case was assigned to me, and DOHA issued a notice of hearing on the same day, scheduling the hearing on August 19, 2019.

I convened the hearing as scheduled. Department Counsel presented eight proposed exhibits, which I marked as Government Exhibits (GE) 1 through 8. Applicant's counsel offered ten proposed exhibits and sets of exhibits, which I marked as Applicant's Exhibits (AE) A through J. All exhibits were admitted into the record without objection. I received the hearing transcript (Tr.) on August 30, 2019.

Findings of Fact

In her SOR response, Applicant admitted 13 of the 14 SOR allegations with explanations. She denied one allegation because it alleges a duplicate debt. I have incorporated her admissions in my findings of fact. Applicant's personal information is extracted from GE 1, her security clearance application, dated September 11, 2017, (SCA) unless otherwise indicated by a parenthetical citation to the record. After a thorough and careful review of the pleadings, Applicant's testimony at the hearing, and the documentary evidence in the record, I make the following findings of fact.

Applicant, 49, has worked as a software engineer for a defense contractor since 2017. She was born in a foreign country, entered the United States with her family as a child, and became a U.S. citizen at the age of 19. She earned a bachelor's of science degree in 1992. She has worked as a technical engineer or support analyst since then. She submitted her SCA in connection with her current employment. She is a first-time applicant.

In 1995, Applicant married, and she and her husband had two children, ages 16 and 9. In 2011, her financial situation became unstable. In March of that year, her husband lost his job, and in June, she was unemployed for about five months. Their home had a nearly $800,000 mortgage with a monthly payment of $3,798. Their ability to pay their mortgage and their significant amount of credit-card debt became a serious problem. Her husband withdrew significant amounts from his 401K retirement accounts and incurred a substantial tax liability. Applicant claims that much of her credit-card debt was incurred during the medical treatment of her oldest child, who was diagnosed with serious illnesses as an infant and then again a few years later. She also attributes the financial hardships she and her husband have experienced to his loss of a business he started in 2007 and closed in 2009 due to the economic recession at that time and to his ongoing periods of unemployment until sometime after 2014. In April of 2012, they were able to sell their residence in a short sale for $680,000, and the mortgage lender forgave the remaining debt. (App. Ex B at 3-5, 7-8, 10, Ex. E; Tr. 34-35, 80.)

Applicant separated from her husband in December 2012, and they divorced in June 2014. Their separation was due, at least in part, to the financial problems they were experiencing. She and her ex-husband agreed to share joint custody of the children. Under their marital settlement agreement (the 2014 Agreement), which was incorporated into their court-approved judgment of dissolution, Applicant was required to pay her husband $1,000 per month of child support and provide health-care insurance for their children. She was also obligated to pay all of the uninsured healthcare expenses of the children. Both parties agreed to waive any spousal support payments and any interest in the other's retirement accounts. (AE B at 2, 7-8, 13.)

At the time of their divorce, the couple had significant outstanding tax and consumer-credit debts from 2011. They divided their tax debt for 2011 evenly between them, and they split the other debts. Several of the debts Applicant assumed are the subjects of the allegations in the SOR. Two of the debts assumed by her ex-husband are also alleged in the SOR. In the 2014 Agreement, the parties acknowledged that if one of them does not pay a debt assign to him or her, the creditor can collect the entire debt from the other party. The only remedy for the party who pays the debt of the other is to petition the court for reimbursement. (AE B at 2, 7-8, 13, 26; Tr. 15-17, 22-24, 26, 69.)

In a letter dated April 2, 2019, about 12 days after Applicant received the SOR, Applicant's ex-husband wrote that he had agreed to assume full responsibility for eight of Applicant's consumer debts and one-half of their joint federal tax liability for 2011. He was unemployed at the time he wrote this letter. She obtained this letter from her ex-husband at the suggestion of her attorney. The eight debts are all of Applicant's unpaid consumer debts alleged in the SOR, taking into account a duplicate alleged debt (SOR ¶¶ 1.i and 1.n.), specifically SOR ¶¶ 1.f, 1.g, 1.h, 1.j, 1.k, 1.l, 1.m, and 1.n. Applicant believed that the 2014 Agreement was unfair because she waived her right to alimony. She believes that this subsequent agreement (the Modification) made their divorce fairer. She testified that at the same time the parties entered into the Modification, her ex-husband also agreed that she no longer needed to pay him child support, though the letter confirming the prior oral Modification makes no mention of child support. She further testified that the Modification was made a year or two after the 2014 divorce. It has never been formally approved by a court. (AE C; Tr. 56, 58-60.)

The record contains no evidence that Applicant's ex-husband has made any payments to any creditor, including the IRS, under the Modification. Applicant is unaware if her ex-husband is employed at this time. He had been working in State 1 until July 2018 and then he returned to live with Applicant in State 2. That did not work out, and he moved to an unknown location near her residence so that he can jointly share custody of their children with Applicant. Moreover, she testified that she has not asked him if he was actually paying her debts and his share of their 2011 federal taxes pursuant to the Modification. Also, she provided no documentation evidencing any payments of the debts. She acknowledges that his commitment to pay these debts does not absolve her of responsibility for the debts. She is aware that her ex-husband is trying to clean up his credit, which raises the possibility that he is only taking care of his personal debts. The age of the debts are such that they may no longer be enforceable by the creditors under

the applicable state statutes of limitations. This raises a concern as to whether Applicant's ex-husband undertook responsibility for the debts with any intent to pay them. (Tr. 29-31, 37, 55-57, 63-65; AE C.)

Notwithstanding the Modification, Applicant listed most of the SOR debts in her September 2017 SCA as her debts. Specifically, the tax debts alleged at SOR ¶¶ 1.a-1.d and eight of the consumer debts alleged in SOR ¶¶ 1.e, 1.f, 1.h, 1.j, 1.k, 1.l, 1.m, and 1.n. She did not list the debt alleged in SOR ¶ 1.g, a judgment obtained by a bank on a credit-card account, which was listed in both the 2014 Agreement and the Modification as a debt for which her ex-husband was responsible. She also stated in her November 2017 background interview that a number of the SOR debts belonged to her and that she intended to pay them. (GE 1 at 51-62; GE 3 at 7-13.)

SOR ¶¶ 1.a-1.d – IRS tax debts and lien for 2011 and 2012 totaling $62,098. Applicant and her then-husband jointly filed their 2011 federal tax return in a timely manner. Their combined income was almost $200,000. Their total withholding for that year was only $698, which resulted in a tax liability of $52,318, plus penalties and interest. Applicant testified that the tax debt for 2011 was due to distributions from her husband's 401K retirement account. In March 2014, the IRS filed a tax lien against both Applicant and her ex-husband for 2011 in the amount of $53,852. At one point, the IRS froze her bank account, apparently as a garnishment to collect her delinquent taxes. Applicant was unable to pay this tax debt for years because she had insufficient income. In 2017, the IRS determined that this tax debt was uncollectible and agreed to review the couple's financial situation annually. Applicant contacted the IRS in 2018 and again in January and March 2019 about her tax debt. They advised her to begin making monthly payments in March 2019 and that the IRS would review her situation further. On May 25, 2019, the IRS documented an installment agreement under which she will pay it $200 per month. She also provided copies of check payments for the months of March, April, and May 2019. Since then, the monthly payments have been automatically withdrawn from her account. She acknowledges that if her husband pays no taxes under the Modification, she will be liable for the entire amount. She has not discussed with her ex-husband whether he is paying the IRS anything on their joint tax debt. (GE 6, 7; AE A, J; Tr. 35-36, 38, 70-71, 76-78.)

Due to their separation in late 2011, Applicant filed her 2012 federal return as head of household. She had income of about $73,000 and withholding of only $2,834, resulting in a tax liability of $8,214, plus penalties and interest. In their 2014 Agreement, the couple agreed to divide their federal tax liability equally. Presumably, this 2012 tax debt was included in that arrangement. The Modification makes no mention of Applicant's 2012 tax debt. Applicant's tax transcripts in the record reflect that she over withheld about $2,000 per year for the years 2013 through 2017, and that the IRS applied these excess payments to her 2011 joint tax liability with her ex-husband. (GE 2 at 18-21; Tr. 26.)

Applicant and her ex-husband also owed about $10,000 in state taxes for 2011. During a period in 2018 when her ex-husband was working in State 1, they jointly paid off

their delinquent tax obligations to State 2. The SOR contains no allegation regarding delinquent state taxes. (Tr. 66, 83.)

SOR ¶ 1.e – Judgment in the amount of $4,406 obtained by a collection agency on a bank credit-card account. Applicant defaulted on this credit card in or about January 2011. She entered into a payment plan to pay this judgment in July 2017. She paid off the debt in 2018. This debt is resolved in Applicant's favor. (GE 1 at 52, GE 2 at 12, 16.)

SOR ¶ 1.f – Judgment obtained in July 2014 by a bank on a credit card account. Applicant and her ex-husband had two credit card accounts with this card issuer. In 2011, she defaulted on the account alleged in SOR ¶ 1.f with a debt of about $5,000. In her SCA, she reported the debt on the judgment to be about $17,000. Under the 2014 Agreement, each party assumed responsibility for one of these debts, but the dollar amounts of each debt is not stated. Applicant now denies responsibility for this debt because she believes her husband agreed to pay it in the Modification. (Tr. 39-42; GE 1 at 55.)

SOR ¶ 1.g – Judgment obtained in January 2013 by a bank on a credit card account. Applicant defaulted on this account in about 2011 with a debt of about $5,000. Under the 2014 Agreement, Applicant's ex-husband assumed responsibility for this judgment. Applicant denies responsibility for this debt because she believes her husband agreed to pay it, both in the 2014 Agreement and in the Modification. This debt is resolved in Applicant's favor. (Tr. 41.)

SOR ¶ 1.h – Credit-card account owed to a credit union that was charged off in the amount of $7,638. According to her notation in her SCA, Applicant defaulted on this credit card in 2015. She testified that she defaulted on the debt in 2011. This debt is listed as an obligation of her ex-husband in the 2014 Agreement. This debt is also listed in the Modification as an obligation of Applicant's ex-husband. This debt is resolved in Applicant's favor. (Tr. 43; GE 1 at 61-62; GE 2 at 13, 17; GE 3 at 5; AE B, C.)

SOR ¶ 1.i – Defaulted bank loan owed in the amount of $1,427. Applicant defaulted on this loan about the time of the 2014 Agreement. The debt is not allocated to either party in the 2014 Agreement. Applicant listed the debt as her obligation in her 2017 SCA. In her background interview, she described the debt as an overdraft on her bank account. She now claims that her ex-husband has assumed responsibility for this debt, as reflected in the Modification. She has no knowledge as to whether he has paid or is paying this debt. (GE 1 at 61-62; GE 2 at 13; Tr. 44-45.)

SOR ¶¶ 1.j and 1.k – Credit-card accounts placed for collection in the amount of $33,336 and $2,377, respectively. In 2005, Applicant and her husband opened these accounts with the issuer. She testified that most of the expenses incurred on these accounts were related to their expenses in 2004 and 2007 caring for their seriously ill child. She defaulted on the accounts in 2011. The 2014 Agreement provides for these debts to be obligations of Applicant. She now claims that her husband has assumed these

liabilities under the Modification. She has no knowledge as to whether he has paid or is paying this debt. (Tr. 46-47; GE 1 at 57; GE 2 at 13, 16; GE 3 at 4, 5; AE B, C.)

SOR ¶ 1.l – Credit-card account placed for collection in the amount of $785. This account was jointly opened in 1999 by Applicant and her then-husband. Applicant defaulted on it in 2011. The debt is not listed in the 2014 Agreement. It is listed as a debt Applicant's ex-husband assumed in the Modification. (AE B, C; GE 1 at 56; GE 2 at 13, 16; GE 3 at 5.

SOR ¶ 1.m – Credit-card account placed for collection in the amount of $8,034. Applicant and her then-husband jointly opened this account. They defaulted on it in 2011. In the 2014 Agreement, the debt is listed as an obligation of Applicant, however, Applicant claims that under the Modification, her ex-husband assumed responsibility for the debt. She has no knowledge as to whether he has paid or is paying this debt. (Tr. 47-48; GE 1 at 54-55; GE 2 at 12, 16; AE B, C.)

SOR ¶ 1.n – Defaulted bank loan owed in the amount of $998. Applicant presented evidence that this debt is a duplicate of the debt alleged in SOR ¶ 1.i. The creditors alleged in the two SOR subparagraphs merged in February 2018. This allegation is resolved in Applicant's favor. (AE E; Tr. 45-46, 64-65.)

Applicant current finances are sound. She earns a significant income and spends responsibly. She has three retirement accounts worth about $100,000. Since 2017, she has accrued about $25,000 in the retirement account held by her current employer. She has created and uses a budget and testified that she has received credit counseling. She does not presently have any credit-card accounts and has no new debts. (AE F at 13-14, 17; Tr. 85.)

Applicant presented a number of character reference letters. They describe her as a dedicated, hard-working, and respected co-worker. She is also described as an ethical person with high moral character. Her references recommend her for a security clearance because of her reliability and integrity. She also submitted her employer's performance evaluations for 2017 and 2018 in which she was praised for her strong performance and work ethic. She has received multiple awards and considers herself to be an exemplary employee. (AE G, H; Tr. 19-20.)

Policies

"[N]o one has a 'right' to a security clearance." *Department of the Navy v. Egan*, 484 U.S. 518, 528 (1988). 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." *Id.* at 527. The President has authorized the Secretary of Defense or his designee to grant applicants eligibility for access to classified information "only upon a finding that it is clearly consistent with the national interest to do so." Exec. Or. 10865 § 2.

Eligibility for a security clearance is predicated upon the applicant meeting the criteria contained in the adjudicative guidelines. These guidelines are not inflexible rules of law. Instead, recognizing the complexities of human behavior, an administrative judge applies these guidelines in conjunction with an evaluation of the whole person. An administrative judge's overarching adjudicative goal is a fair, impartial, and commonsense decision. An administrative judge must consider all available and reliable information about the person, past and present, favorable and unfavorable.

The Government reposes a high degree of trust and confidence in persons with access to classified information. This relationship transcends normal duty hours and endures throughout off-duty hours. Decisions include, by necessity, consideration of the possible risk that the applicant may deliberately or inadvertently fail to safeguard classified information. Such decisions entail a certain degree of legally permissible extrapolation about potential, rather than actual, risk of compromise of classified information.

Clearance decisions must be made "in terms of the national interest and shall in no sense be a determination as to the loyalty of the applicant concerned." Exec. Or. 10865 § 7. Thus, a decision to deny a security clearance is merely an indication the applicant has not met the strict guidelines the President and the Secretary of Defense have established for issuing a clearance.

Initially, the Government must establish, by substantial evidence, conditions in the personal or professional history of the applicant that may disqualify the applicant from being eligible for access to classified information. The Government has the burden of establishing controverted facts alleged in the SOR. *See Egan*, 484 U.S. at 531. "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). The guidelines presume a nexus or rational connection between proven conduct under any of the criteria listed therein and an applicant's security suitability. *See* ISCR Case No. 15-01253 at 3 (App. Bd. Apr. 20, 2016).

Once the Government establishes a disqualifying condition by substantial evidence, the burden shifts to the applicant to rebut, explain, extenuate, or mitigate the facts. Directive ¶ E3.1.15. An applicant has the burden of proving a mitigating condition, and the burden of disproving it never shifts to the Government. *See* ISCR Case No. 02-31154 at 5 (App. Bd. Sep. 22, 2005).

An applicant "has the ultimate burden of demonstrating that it is clearly consistent with the national interest to grant or continue his security clearance." ISCR Case No. 01-20700 at 3 (App. Bd. Dec. 19, 2002). "[S]ecurity clearance determinations should err, if they must, on the side of denials." *Egan*, 484 U.S. at 531.

Analysis

Guideline F, Financial Considerations

The security concern under this guideline is set out in AG ¶ 18 as follows:

> Failure to live within one's means, satisfy debts, and meet financial obligations may indicate poor self-control, lack of judgment, or unwillingness to abide by rules and regulations, all of which can raise questions about an individual's reliability, trustworthiness, and ability to protect classified or sensitive information. . . . An individual who is financially overextended is at greater risk of having to engage in illegal or otherwise questionable acts to generate funds. . . .

This concern is broader than the possibility that a person might knowingly compromise classified information to raise money. It encompasses concerns about a person's self-control, judgment, and other qualities essential to protecting classified information. A person who is financially irresponsible may also be irresponsible, unconcerned, or negligent in handling and safeguarding classified information.

Appellant's admissions in her SOR response and testimony and the documentary evidence in the record establish the following potentially disqualifying conditions under this guideline: AG ¶ 19(a) ("inability to satisfy debts"), AG ¶ 19(c) ("a history of not meeting financial obligations"), and AG ¶ 19(f) ("failure to pay annual Federal, state, or local income tax as required.")

The following mitigating conditions are potentially applicable:

> 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;
>
> AG ¶ 20(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;
>
> AG ¶ 20(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;
>
> AG ¶ 20(d): the individual initiated and is adhering to a good-faith effort to repay creditors or otherwise resolve debts; [and]

AG ¶ 20(g): the individual has made arrangements with the appropriate tax authority to file or pay the amount owed and is in compliance with those arrangements.

AG ¶ 20(a) is partially established. Applicant's tax and defaulted consumer debts arose in 2011 and 2012, without any recurrence since then. For that reason, it can be concluded that her financial problems were infrequent and that they occurred under unusual circumstances. The fact that most of her debts remain outstanding precludes a conclusion that her financial behavior occurred long ago. The fact that the debts remain largely unpaid about eight years later casts doubts about her current reliability, trustworthiness, and good judgment.

AG ¶ 20(b) is partially established. The record clearly establishes that the conditions Applicant faced in 2011 and 2012 were circumstances beyond her control. Those circumstances started years earlier when her child was seriously ill on two occasions and she and the child's father incurred significant debts to take care of their child. Her circumstances were compounded with her ex-husband's business failure in 2009 and the lengthy period he was unemployed thereafter. Applicant was also unemployed for a period in 2011. After her divorce, she was left with a significant amount of debts and her ex-husband continued to be unemployed and unable to help support their children. It was not until February 2017, when Applicant obtained employment and started earning a significantly improved salary that she began to regain her financial stability. This mitigating condition is only partially applicable, though, because she did not undertake to begin repaying her debts, particularly her tax federal debts, until two years later. Even with respect to her tax debt, she is only paying a very small fraction of her net monthly income. It is important to note that she and her ex-husband have paid a state tax debt, and she has paid the judgment alleged in SOR ¶ 1.e. In the context of the large amount of federal taxes she owes and the significant amount of consumer debt that remains unpaid eight years later, it cannot be concluded that she has acted responsibly under the circumstances.

AG ¶ 20(c) is partially established. Applicant states that she has received credit counseling. The only documentary evidence of that is her budget, which indicates a substantial net monthly remainder every month. While this evidence is praiseworthy, it raises a serious question as to why Applicant has not begun to pay more of her debts. If she is relying upon her husband's promise in the Modification that he will pay them, then she had an obligation to confirm that he was in fact paying the debts listed in the Modification, which closely tracks the debts alleged in the SOR. She failed to do so. Absent such confirmation or payments by Applicant of her considerable indebtedness, it cannot be concluded that there are clear indications that the problem is being resolved or is under control.

AG ¶ 20(d) is not established. There is no evidence in the record that Applicant is engaged in a good-faith effort to repay her consumer debts. She acknowledges if her husband does not pay them, then she is still responsible for the debts, with the exceptions of the debts assumed by her ex-husband in the court-approved Agreement. Moreover, to

the extent that she has made any efforts to pay her debts, those efforts post-date her submission of her SCA seeking a clearance, which undercuts the good-faith nature of such efforts.

AG ¶ 20(g) is established with respect to Applicant's tax debts. She has entered into an installment agreement with the IRS to pay $200 per month and has satisfied the terms of that agreement since March 2019. It might have been of greater mitigation value if she had undertaken this arrangement shortly after she joined her current employer, but the fact remains that she has taken action consistent with the requirements of the IRS. It is also noteworthy that she has paid off her 2011 state tax liability with her ex-husband's cooperation.

Whole-Person Analysis

Under AG ¶ 2(c), the ultimate determination of whether to grant eligibility for a security clearance must be an overall commonsense judgment based upon careful consideration of the guidelines and the whole-person concept. In applying the whole-person concept, an administrative judge must evaluate an applicant's eligibility for a security clearance by considering the totality of the applicant's conduct and all relevant circumstances and applying the adjudicative factors in AG ¶ 2(d), specifically: (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.

I have incorporated my comments under Guideline F in my whole-person analysis and applied the adjudicative factors in AG ¶ 2(d). Some of the factors in AG ¶ 2(d) were addressed above, but other factors warrant additional comment. I have given special consideration to the very sympathetic circumstances that gave rise to Applicant's financial and tax problems. I have also weighed her responsible behavior with her current finances. I have considered the fact that two of the SOR debts are listed in the court-approved Agreement to be the responsibility of Applicant's ex-husband, which relieves Applicant of any legal responsibility for those debts. I have further considered her highly favorable character references and employment evaluations.

I have given some weight to Applicant's recent actions to begin paying her substantial federal tax debt and her payoff of her state tax debt. With respect to her consumer debts, she continues to bear responsibility for tens of thousands of dollars of consumer debt in the event her ex-husband fails to pay the debt pursuant to the terms of the Modification. Specifically, she remains liable on six of the debts set forth in the SOR and has not undertaken any steps to repay them. The record contains little evidence that it is likely that her ex-husband will honor his obligations under the Modification. Applicant has been unwilling to press him for details about his compliance with the terms of the

Modification, and she lacks any knowledge about her ex-husband's present ability to even make payments on these debts. The record contains no basis on which I can conclude that he is paying these very old debts or intends to pay them in the future. Also, the age of the debts suggests the possibility that the debts are or will become unenforceable due to state statute of limitations, which gives Applicant's ex-husband even less incentive to pay these debts on her behalf. The failure to resolve debts due to their legal unenforceability does not mitigate security concerns under Guideline F.

After weighing the disqualifying and mitigating conditions under Guideline F and evaluating all of the evidence in the context of the whole person, I conclude Applicant has not mitigated the security concerns raised by her financial considerations.

Formal Findings

Guideline F, Financial Considerations:	AGAINST APPLICANT
Subparagraphs 1.a-1.e:	For Applicant
Subparagraph 1.f:	Against Applicant
Subparagraphs 1.g-1.h:	For Applicant
Subparagraphs 1.i-1.m:	Against Applicant
Subparagraph 1.n:	For Applicant

Conclusion

I conclude that it is not clearly consistent with the national interests of the United States to continue Applicant's eligibility for access to classified information. Clearance is denied.

John Bayard Glendon
Administrative Judge