



DEPARTMENT OF DEFENSE
DEFENSE OFFICE OF HEARINGS AND APPEALS



In the matter of:)
)
 REDACTED) ISCR Case No. 19-00539
)
 Applicant for Security Clearance)

Appearances

For Government: Carroll J. Connelley, Esq., Department Counsel
For Applicant: *Pro se*

03/31/2020

Decision

MATCHINSKI, Elizabeth M., Administrative Judge:

Applicant owes approximately \$37,646 in delinquent debts, of which \$30,698 is past due on the mortgage for his marital residence. His mortgage is in foreclosure proceedings, and he has made no progress on resolving his other debts. Financial considerations security concerns are not mitigated. Eligibility for a security clearance is denied.

Statement of the Case

On March 8, 2019, the Department of Defense Consolidated Adjudications Facility (DOD CAF) issued a Statement of Reasons (SOR) to Applicant, detailing security concerns under Guideline F, financial considerations. The SOR explained why the DOD CAF was unable to find it clearly consistent with the national interest to grant or continue security clearance eligibility for him. The DOD CAF took the action under Executive Order (EO) 10865, *Safeguarding Classified Information within Industry* (February 20, 1960), as amended; DOD Directive 5220.6, *Defense Industrial Personnel Security Clearance Review Program* (January 2, 1992), as amended (Directive); and the *National Security Adjudicative Guidelines for Determining Eligibility for Access to Classified Information or Eligibility to Hold a Sensitive Position* (AG) effective within the DOD on June 8, 2017.

On April 29, 2019, Applicant responded to the SOR and requested a decision on the written record without a hearing. His response was considered incomplete because he had not answered SOR ¶ 1.j. On July 16, 2019, Applicant submitted a response, admitting to all the allegations in the SOR, and he requested a hearing before an administrative judge from the Defense Office of Hearings and Appeals (DOHA). On August 14, 2019, Department Counsel indicated that the Government was prepared to proceed to a hearing. The case was assigned to me on August 20, 2019, and I received the case file on August 27, 2019. Applicant was not available for a hearing in September 2019 with other cases in his area. Scheduling his hearing was delayed pending Department Counsel being prepared to proceed on sufficient cases in the region to justify the expense of travel for the Government. On January 24, 2020, Department Counsel indicated that the case could be scheduled with other matters for the week of March 2, 2020. On February 3, 2020, I scheduled a hearing for March 5, 2020.

At the hearing, the Government submitted four exhibits (GEs 1-4), which were accepted into the record without objection. Applicant testified, as reflected in a hearing transcript received on March 14, 2020.

Findings of Fact

The SOR alleges under Guideline F that, as of March 8, 2019, Applicant was past due \$30,698 on a mortgage loan with a \$158,242 balance (SOR ¶ 1.a), and that he owed three charged-off credit-card debts totaling \$4,460 (SOR ¶¶ 1.b-1.d); two collection debts of \$742 (SOR ¶ 1.e) and \$484 (SOR ¶ 1.f); a defaulted student-loan debt of \$472 (SOR ¶ 1.g); and four medical debts totaling \$790 (SOR ¶¶ 1.h-1.k). When Applicant answered the SOR, he admitted the allegations without explanation. His admissions are accepted and incorporated as findings of fact. After considering the pleadings, exhibits, and hearing transcript, I make the following additional findings of fact:

Applicant is 32 years old and divorced. He and his ex-wife married in July 2012 and were divorced in December 2016. They have a seven-year-old son. Applicant adopted her two sons, who are now ages 10 and 11. (GE 1; Tr. 32.) Applicant has been working as a field service technician for his current employer, a defense contractor, since August 2017. (GE 1; Tr. 19-20.) He previously worked as a marine electrician for another defense contractor from March 2013 to August 2017. (GE 1.) He does not currently hold a DOD security clearance. (Tr. 20.)

Applicant attended an out-of-state university for one semester, from September 2008 to December 2008. (GE 1.) He obtained two federal student loans for \$1,750 (SOR ¶ 1.g) and \$1,000 (not alleged in SOR), in September 2008. His loans were current through May 2017, when he ceased paying them. (GE 3; Tr. 31.) He transferred to an in-state university near his home in January 2009, but did not finish the semester. He began studies at a marine academy in March 2013 and earned his associate's degree in December 2016. (GE 1.) He did not obtain any student loans for that schooling because it was a company-paid apprenticeship. (Tr. 36.)

Applicant worked as an assistant manager at a convenience store earning \$10 an hour from August 2010 to November 2012. (GE 1; Tr. 41.) After the birth of his son in September 2012, he was unable to work the hours needed to maintain his employment. He then worked as a part-time cook until January 2012, when he took off a few months to spend time with his family. (GE 1.)

Applicant has lived at his address residence since September 2011. In February 2016, he purchased the property, a three-unit apartment building, for \$140,000 from his then wife's parents. (GE 3; Tr. 23, 38.) He obtained a mortgage loan of \$137,362. In April 2016, his loan was acquired by the lender in SOR ¶ 1.a. His monthly repayment term was \$1,220 per month. When he purchased the property, two of the units were occupied, and the renters stayed on, paying him rent of \$600 monthly per unit. (Tr. 38, 51.) His ex-wife handled most of the bills during their marriage. She made the mortgage payments through July 2016, but then stopped paying, initially without his knowledge. (GE 1; Tr. 43, 51-52.) As of September 2017, his loan was \$12,688 past due on a balance of \$144,468. (GE 3.)

Applicant and his ex-wife relied on consumer credit for purchases, even before they married. During their marriage, his ex-wife incurred some credit-card debt in his name without his knowledge. (GEs 1-4; Tr. 29, 33.) Applicant admits that he lost control of the household budgeting. (Tr. 18.) Their debts began to accumulate in 2013, following the birth of their son in September 2012, and a period of voluntary unemployment from January 2013 to March 2013, before he started working in the defense industry at \$24 an hour (\$45,000 to \$50,000 annually) in March 2013. (GE 1; Tr. 32, 42-43.) He became "a little overwhelmed" with going from being single to having a wife and three children to support. (Tr. 33.) His ex-wife also incurred expenses taking their children on vacations outside their state. Applicant believes that his ex-wife's depression contributed to some of their financial problems. (Tr. 39-40.)

Applicant is being sponsored by his employer for a security clearance so that he can travel and work on jobs that require a clearance. (Tr. 20.) On October 16, 2017, Applicant completed and certified to the accuracy of a Questionnaire for National Security Positions (SF 86). He responded affirmatively to SF 86 financial record inquiries concerning delinquency involving routine accounts and indicated that he owed approximately \$5,000 in credit card debt because his "ex-wife maxed out multiple credit cards." He also reported that his mortgage was approximately \$15,000 past due, and explained that he had been unaware that his ex-wife was not making the mortgage payments. As for efforts to resolve his debts, his mortgage lender was reviewing paperwork "to come to a solution" for that debt. He expressed his intent to consolidate his credit-card debts after his mortgage is back on track. (GE 1.)

As of October 26, 2017, Applicant's credit report revealed that his mortgage was past due for \$12,688 with a \$144,468 balance (SOR ¶ 1.a), and that his two student loans obtained in September 2008 were past due for \$167 with a \$441 balance (SOR ¶ 1.g) and \$133 with a \$350 balance (not alleged). (GE 3.) Applicant owed delinquent credit-card balances of \$2,108 (account opened in March 2016 and charged off in February 2017) (SOR ¶ 1.b); \$1,523 (account opened in October 2015 and in collection with last payment

in July 2016) (SOR ¶ 1.c); \$829 (account opened in July 2016 and charged off in March 2017) (SOR ¶ 1.d); and \$483 (account opened in June 2016 and in collection with last payment in March 2017) (SOR ¶ 1.f). Medical debts of \$348 from March 2015 (SOR ¶ 1.h); \$208 from August 2015 (SOR ¶ 1.i); and \$50 from September 2015 (SOR ¶ 1.k) were in collection. (GE 3.)

On October 3, 2018, Applicant was interviewed by an authorized investigator for the Office of Personnel Management (OPM) about his finances. Applicant described his financial situation as “screwed” due to his inability to responsibly manage his financial responsibilities. He related that his mortgage loan was more than \$20,000 past due and in “pre-foreclosure status.” He had asked that some payments be deferred, but his lender was demanding payment in full of the past-due amount. He explained that his financial issues arose before his divorce, when he discovered that his then wife had not been paying their bills. Additionally, she had obtained and used credit cards without his knowledge and consequently, they became financially overextended. Applicant indicated that he took full responsibility for repaying their marital debt on their divorce to avoid any child custody issues and that he is required to pay \$1,040 per month in child support.

Applicant volunteered that he had some rental income from one unit in his property. He was living in one unit and his ex-wife and their children was living in the other unit, without having to pay any rent or utilities. When asked specifically about other debt issues, Applicant responded that there were so many that it was difficult to know who was owed what. When confronted with the adverse financial information on his credit record, Applicant explained that the three medical debts in collection were for his children’s healthcare. He did not dispute the student loans, which he mistakenly indicated had been incurred for his study at the maritime academy, and acknowledged that he had not attempted to repay them, although he planned to at some time in the future. Applicant did not recognize several credit card accounts that had been settled or paid after being charged off or placed for collection, although when asked about those settlements during his March 2020 hearing, Applicant responded that he and his ex-wife settled them together. (Tr. 59.) Applicant did not recognize the charged-off credit cards for \$2,108 and \$829 during his OPM interview. Applicant reiterated that he had become overwhelmed about his current financial difficulties and can only resolve one debt at a time. He planned to pay his debts at some future date, but had not contacted his creditors or attempted repayment plans.

Sometime between the fall of 2018 and spring 2019, Applicant’s wife and children moved in with him because he rented out their apartment unit. (Tr. 50.) Despite rental income of \$1,200 per month from the two apartments, Applicant’s mortgage loan was \$30,698 past due on a balance of \$158,242 as of February 2019. (GE 4; Tr. 24.) As to why he fell so far behind on his loan, given that his rental income almost covered his monthly mortgage obligation, Applicant responded:

Well, like I was saying, the mortgage got so far behind. And one of the stipulations with the FHA loan was that you have to pay half the past-due amount. So once we got about \$15,000 past due, that would mean I would

have to pay \$7,500 a month and then pay the other half the next month. (Tr. 51.)

By February 2019, Applicant had also made no progress on resolving the delinquent credit-card balances or the student loan in SOR ¶ 1.g. He asserts that he paid off one of his student loans (Tr. 32), and the \$1,000 student loan (not alleged in the SOR) was not listed as a delinquent debt on his February 2019 credit report. (GE 4.) His credit report included two previously unreported delinquencies: a \$742 consumer-credit debt from July 2016 in collection since June 2017 (SOR ¶ 1.e) and \$184 medical debt from May 2018 in collection since October 2018 (SOR ¶ 1.j). Applicant had no new consumer-credit accounts on his credit record. (GE 4.)

In December 2019, Applicant had a mediation session with his lender about his delinquent mortgage loan. His lender decided to proceed with the foreclosure action on his mortgage. As of March 2020, Applicant was awaiting a trial date. Applicant stopped charging his tenants rent in October or November 2019 when it became clear that he would not be able to resolve his delinquent mortgage. (Tr. 22-25, 40-41, 51.) He did not think it was right to charge rent when he was not making any payments on the mortgage loan. He has yet to inform his tenants that his loan is in foreclosure proceedings, although they know he was having issues with his mortgage. (Tr. 26.) Applicant has been led to understand that the foreclosure will likely happen. He believes that his mortgage lender will then likely list the property for sale, and he will be liable for any deficiency balance on his loan. (Tr. 27.)

In lieu of paying child support, Applicant allows his ex-wife access to his checking account. (Tr. 47.) She continues to handle their household bills. (Tr. 54.) She has not worked outside of the home since they married in 2012 and is financially dependent on him. (Tr. 28, 43.) He understands that he is legally responsible for repaying the credit-card debt incurred by his ex-spouse on his credit cards. He continues to receive collection notices for some of his debts. As of March 2020, Applicant had not reached out to resolve the student loan, credit card, or medical delinquencies listed in the SOR. (Tr. 29-30, 33.) He explained his failure to be more proactive about resolving the issues of known concern to the DOD as follows:

Honestly, I want to maintain a relationship with my children. I love my kids very much. And I get worried that [his ex-wife] will go elsewhere where I would not be able to see my children. (Tr. 55.)

Applicant testified that his ex-wife has threatened to move his children out of state and that it has been his goal to try and put his ex-wife in a situation where she can be responsible for herself and he can maintain a good relationship with his children. In that regard, he recommended to his ex-wife that she pursue counseling. She went only for a short time, but she has been taking prescription medication for her depression for the past two or three months. (Tr. 55-56.)

Applicant is a salaried employee earning about \$65,000 annually with overtime. (Tr. 42.) His take-home pay ranges from \$2,000 to \$3,000 every two weeks. His pay fluctuates because of overtime and travel. Applicant owns two vehicles, a van and a sedan, both purchased used, that are paid for. Most of his income goes to expenses for his three children, food, and utilities (heating oil, electricity, and Internet). He pays about \$800 a month for utilities. (Tr. 35-36.) He has between \$1,000 and \$2,000 in his checking account, but nothing in savings (Tr. 36), and lives paycheck to paycheck. (Tr. 59.) Applicant received a tax refund of \$3,000 to \$4,000 for tax year 2019. He used the money to pay off a couple of loans that he and his ex-wife had taken out between them. (Tr. 37.)

Applicant's financial difficulties have been exacerbated in part by his ex-wife continuing to take frequent vacation trips. Sometime in 2019, she took their children to Italy "on a whim." (Tr. 44.) She has also signed his name without his knowledge on some credit-card charges. (Tr. 45.) Applicant tried to cut off her access to his money, but he was focused on his children's well-being, and did not think she could care of their children or herself. (Tr. 46.) He has had several discussions with his ex-wife, including as recently as within a week of his March 2020 hearing, about her handling of their finances and of the importance to them of his clearance so that he can continue to support their children. She continues to respond that she will take care of it and things will get better. (Tr. 64.) There is no evidence that Applicant has had any financial counseling.

Applicant testified that he is a very hard-worker and considers himself trustworthy. (Tr. 62.) He requested that his track record of working for defense contractors since March 2013 be taken into account. (Tr. 62.) He presented no character or work references attesting to the quality of his work.

Policies

The U.S. Supreme Court has recognized the substantial discretion the Executive Branch has in regulating access to information pertaining to national security, emphasizing that "no one has a 'right' to a security clearance." *Department of the Navy v. Egan*, 484 U.S. 518, 528 (1988). When evaluating an applicant's suitability for a security clearance, the administrative judge must consider the adjudicative guidelines. In addition to brief introductory explanations for each guideline, the adjudicative guidelines list potentially disqualifying conditions and mitigating conditions, which are required to be considered in evaluating an applicant's eligibility for access to classified information. These guidelines are not inflexible rules of law. Instead, recognizing the complexities of human behavior, these guidelines are applied in conjunction with the factors listed in the adjudicative process. The administrative judge's overall adjudicative goal is a fair, impartial, and commonsense decision. According to AG ¶ 2(a), 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 decision.

The protection of the national security is the paramount consideration. AG ¶ 2(b) requires that "[a]ny doubt concerning personnel being considered for national security

eligibility will be resolved in favor of the national security.” In reaching this decision, I have drawn only those conclusions that are reasonable, logical, and based on the evidence contained in the record. Under Directive ¶ E3.1.14, the Government must present evidence to establish controverted facts alleged in the SOR. Under Directive ¶ E3.1.15, the applicant is responsible for presenting “witnesses and other evidence to rebut, explain, extenuate, or mitigate facts admitted by applicant or proven by Department Counsel. . . .” The applicant has the ultimate burden of persuasion to obtain a favorable security decision.

A person who seeks access to classified information enters into a fiduciary relationship with the Government predicated upon trust and confidence. This relationship transcends normal duty hours and endures throughout off-duty hours. The Government reposes a high degree of trust and confidence in individuals to whom it grants access to classified information. Decisions include, by necessity, consideration of the possible risk 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. Section 7 of EO 10865 provides that decisions shall be “in terms of the national interest and shall in no sense be a determination as to the loyalty of the applicant concerned.” See *also* EO 12968, Section 3.1(b) (listing multiple prerequisites for access to classified or sensitive information).

Analysis

Guideline F: Financial Considerations

The security concerns about financial considerations are articulated 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. . . .

An applicant is not required to be debt free, but is required to manage his finances in a way as to exhibit sound judgment and responsibility. The Appeal Board explained the scope and rationale for the financial considerations security concern in ISCR Case No. 11-05365 at 3 (App. Bd. May 1, 2012) (citation omitted) as follows:

This concern is broader than the possibility that an applicant might knowingly compromise classified information in order to raise money in satisfaction of his or her debts. Rather, it requires a Judge to examine the totality of an applicant’s financial history and circumstances. The Judge must consider

pertinent evidence regarding the applicant's self-control, judgment, and other qualities essential to protecting the national secrets as well as the vulnerabilities inherent in the circumstances. The Directive presumes a nexus between proven conduct under any of the Guidelines and an applicant's security eligibility.

Guideline F security concerns are established when an individual fails to pay financial obligations according to terms. Applicant has not made any payments on his mortgage loan since July 2016, even though he continued to receive between \$600 and \$1,200 in rental income per month (depending on whether one or both apartments were rented). As of March 2019, his mortgage delinquency exceeded \$30,000 (SOR ¶ 1.a). It has likely increased, and his mortgage lender intends to foreclose on the property. The evidence also shows that he defaulted on the five credit-card accounts in the SOR (SOR ¶¶ 1.b-1.f); on a federal student loan (SOR ¶ 1.g); and on four medical debts totaling \$790 (SOR ¶¶ 1.h-1.k). Under AG ¶ 19, disqualifying conditions 19(a), "inability to satisfy debts," and 19(c), "a history of not meeting financial obligations," apply.

The burden is on Applicant to mitigate the negative implications for his financial judgment raised by his delinquent debts. Application of the aforesaid disqualifying conditions triggers consideration of the potentially mitigating conditions under AG ¶ 20. One or more of the following conditions may apply in whole or in part:

(a) the behavior happened so long ago, was so infrequent, or occurred under such circumstances that it is unlikely to recur and does not cast doubt on the individual's current reliability, trustworthiness, or good judgment;

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

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

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

Regarding AG ¶ 20(a), the debts in the SOR have been delinquent for some time. Three of the medical debts are from 2015. Applicant's debts are 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)). AG ¶ 20(a) does not apply.

AG ¶ 20(b) warrants some consideration. The birth of Applicant's son in September 2012 strained his household finances because of the extra expenses of caring for another child. At the time, he was earning only \$10 an hour as an assistant manager at a convenience store, and his spouse had no income. Even so, the evidence indicates that the debts identified in the SOR became seriously delinquent in 2015 or later, when Applicant was employed by a defense contractor. His income was only \$45,000 annually when he defaulted on his home loan, but he also had rental income that just about covered his mortgage payment. Applicant credibly explained that was unaware initially that his ex-wife was not making the mortgage payment, and she also obtained credit in his name without his knowledge. He also paid \$1,040 per month in child support until his ex-wife moved in with him 12 to 18 months ago. Divorce could be considered a circumstance beyond his control as contemplated within AG ¶ 20(b), but he also bears some responsibility for his ongoing financial stress because he continues to allow his ex-wife access to his money, knowing that she has spent unwisely.

Even when factors outside of his control contributed to or caused his financial problems, I have to consider whether Applicant acted in a responsible manner when dealing with his financial difficulties. See ISCR Case No. 05-11366 at 4, n.9 (App. Bd. Jan. 12, 2007) (citing ISCR Case No. 99-0462 at 4 (App. Bd. May 25, 2000); ISCR Case No. 99-0012 at 4 (App. Bd. Dec. 1, 1999); ISCR Case No. 03-13096 at 4 (App. Bd. Nov. 29, 2005)). A component is whether Applicant maintained contact with his creditors. Applicant attempted without success to modify the terms of his mortgage loan with his lender so that he could stay in his home. While he acted responsibly to do so, it is unclear when he first took action to possibly lower his monthly mortgage payment. It was irresponsible of Applicant to make no payments on his mortgage loan when he was taking in \$1,200 per month from his tenants. Applicant and his ex-wife together settled some credit-card debts not alleged in the SOR, but he has not contacted any of the creditors in SOR ¶¶ 1.b-1.k about settling or making payments on the debts. AG ¶ 20(b) is not satisfied.

Neither AG ¶ 20(c) nor AG ¶ 20(d) are established. Applicant has made no effort to address the debts in SOR ¶¶ 1.b-1.k. He has characterized his finances as "screwed" and testified that he lives from paycheck to paycheck. However, he had about \$1,000 in checking-account deposits as of March 2020, and so should have been able to satisfy the \$50 medical collection debt (SOR ¶ 1.k), if not also make small payments on some of the other medical debts. While it appears likely that Applicant's mortgage loan will be foreclosed on, he may be liable for a deficiency balance that he cannot repay. There is no evidence that Applicant has had any financial counseling, which is required for mitigation under AG ¶ 20(c), and could possibly assist him in making sound financial decisions. Applicant admits that he lost control of his family's household budget, and that he feels overwhelmed about his indebtedness. He continues to allow his ex-wife access to his checking account, despite her history of irresponsible spending on vacations, including to Italy, as debts go unpaid.

Applicant is not required, as a matter of law, to establish that he has satisfied each debt in the SOR. See, e.g., ISCR Case No. 02-25499 at 2 (App. Bd. June 5, 2006). However, he is required under Appeal Board precedent to demonstrate not only that he

has a plan to resolve his financial problems, but that he has taken significant actions to implement that plan. See, e.g., ISCR Case No. 04-09684 at 2 (App. Bd. July 6, 2006.) Applicant expressed his intent during his OPM interview to pay his debts at some point. The Appeal Board has consistently held that a promise to pay a debt in the future is not a substitute for a track record of paying debts in a timely manner. See e.g., ISCR Case No. 09-05390 at 2 (App. Bd. Oct. 22, 2010). Applicant has yet to demonstrate a track record of timely repayment on his financial obligations to enable a predicative judgment that his financial problems are safely behind him. More progress is needed toward reestablishing financial stability to fully mitigate the financial considerations security concerns.

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 his conduct and all relevant circumstances in light of the nine adjudicative process factors in AG ¶ 2(d):

(1) the nature, extent, and seriousness of the conduct; (2) the circumstances surrounding the conduct, to include knowledgeable participation; (3) the frequency and recency of the conduct; (4) the individual's age and maturity at the time of the conduct; (5) the extent to which participation is voluntary; (6) the presence or absence of rehabilitation and other permanent behavioral changes; (7) the motivation for the conduct; (8) the potential for pressure, coercion, exploitation, or duress; and (9) the likelihood of continuation or recurrence.

Applicant has been employed in the defense industry since March 2013. He increased his annual income by about \$20,000, to \$65,000, when he took his current job in August 2017. He has known since he applied for security clearance eligibility in October 2017 that his finances could be an issue. His ex-wife appears to be the primary reason for his ongoing financial stress because of her spending, which has hampered his ability to repay his debts. Fearing that his ex-wife will act on threats to move his children elsewhere, Applicant has been reluctant to make the difficult decisions that would improve his financial situation.

A security clearance decision is a risk assessment about an individual's trustworthiness, reliability, and judgment with regard to whether he or she can be relied on to appropriately handle and safeguard classified information. It is not a debt-collection procedure. I do not doubt that Applicant has been a good worker for his employer. However, it is well settled that once a concern arises regarding an applicant's security clearance eligibility, there is a strong presumption against the grant or renewal of a security clearance. See *Dorfmont v. Brown*, 913 F. 2d 1399, 1401 (9th Cir. 1990). After applying the disqualifying and mitigating conditions to the evidence presented, I conclude that it is not clearly consistent with the national interest to grant or continue security clearance eligibility for Applicant at this time.

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: AGAINST APPLICANT

Subparagraphs 1.a-1.k: 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 eligibility for a security clearance for Applicant. Eligibility for access to classified information is denied.

Elizabeth M. Matchinski
Administrative Judge