



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



In the matter of:)
)
 [Redacted]) ISCR Case No. 19-01510
)
 Applicant for Security Clearance)

Appearances

For Government: Kelly M. Folks, Esq., Department Counsel
For Applicant: *Pro se*

03/09/2020

Decision

FOREMAN, LeRoy F., Administrative Judge:

This case involves security concerns raised under Guidelines B (Foreign Influence) and F (Financial Considerations). Eligibility for access to classified information is granted.

Statement of the Case

Applicant submitted a security clearance application on May 10, 2017. On July 31, 2019, the Department of Defense Consolidated Adjudications Facility (DOD CAF) sent him a Statement of Reasons (SOR) alleging security concerns under Guidelines B and F. The DOD CAF acted under Executive Order (Exec. Or.) 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 adjudicative guidelines (AG) promulgated in Security Executive Agent Directive 4, *National Security Adjudicative Guidelines* (December 10, 2016).

Applicant answered the SOR on September 3, 2019, and requested a hearing before an administrative judge. Department Counsel was ready to proceed on December 23, 2019, and the case was assigned to me on January 9, 2020. On January 24, 2020,

the Defense Office of Hearings and Appeals (DOHA) notified Applicant that the hearing was scheduled for February 10, 2020. I convened the hearing as scheduled. Government Exhibits (GX) 1 through 5 were admitted in evidence without objection. GX 6, which consisted of several summaries of interviews conducted by security investigators, was not authenticated as required by Directive ¶ E3.1.20 and was not admitted. Applicant testified and submitted Applicant's Exhibits (AX) A through DD, which were admitted without objection. I kept the record open until February 26, 2020, to enable him to submit additional documentary evidence. He timely submitted AX EE through OO, which were admitted without objection. DOHA received the transcript (Tr.) on February 19, 2020.

Administrative Notice

Department Counsel requested that I take administrative notice of relevant facts about Iraq. (Hearing Exhibit (HX) I.) I took administrative notice as requested. On my own motion and without objection from either party, I took administrative notice of the facts recited in the U.S. Department of State fact sheet, *U.S. Relations with Iraq* (November 13, 2019) (HX II.) The facts administratively noticed are set out below in my findings of fact.

Findings of Fact

In Applicant's answer to the SOR, he admitted all the allegations. His admissions in his answer and at the hearing are incorporated in my findings of fact.

Applicant is a 34-year-old linguist employed by a defense contractor since May 2011. He is seeking to work on a contract that requires a security clearance.

Guideline B, Foreign Influence

The SOR alleges security concerns under Guideline B, based on Applicant's family connections to Iraq. He was born in Iraq. He married an Iraqi woman in January 2007. His wife is now a U.S. citizen. They have two children, ages 11 and 6, who are native-born U.S. citizens.

Applicant was employed by a defense contractor and served with U.S. Forces in Iraq from February 2006 to October 2008. He was involved in direct combat and participated in numerous security missions, reconnaissance missions, and prisoner apprehensions. He received numerous accolades and certificates attesting to his hard work, bravery, reliability, and dedication. The Army officers and noncommissioned officers with whom he served strongly supported his application for a special immigrant visa. (AX A through AX L; AX T through Y; AX Z.)

Applicant, his mother, his wife, and his youngest sister came to the United States in October 2008 on a special immigrant visa. He and his family lived in the United States with the U.S. Army captain for whom he worked in Iraq. (Tr. 41.) His mother and sister

returned to Iraq after living in the United States for about 11 months. (Tr. 45, 57.) He became a U.S. citizen in January 2014.

In 2009, Applicant decided to enlist in the U.S. Army as a linguist. He took the Armed Services Vocational Aptitude Battery twice and failed it. He passed on the third try. Before he could enlist, his wife was hospitalized and disabled for several months. Instead of enlisting, he applied for a linguist position with a defense contractor and was hired. (Tr. 125-29.)

Applicant was employed by this defense contractor from September 2009 to July 2011. He worked intermittently as a cultural role player during pre-deployment training in the United States for U.S. Army units on their way to Iraq. (GX 1 at 16-17.) He again received numerous certificates of appreciation for his dedication and service. (AX N through R; AX OO.)

From May 2011 to May 2017, Applicant was employed by a federal contractor as an audio technician operating a broadcasting system for another government agency (AGA). He was commended for his skill, dedication, and teamwork. (AX OO.)

Applicant's mother, brother, three sisters, uncle, two brothers-in-law, and mother-in-law, are citizens and residents of Iraq. His father served as a bandsman in the Iraqi Army, retired with a pension, and is now deceased. (Tr. 47.). Applicant has monthly contact with his mother by social media. (Tr. 45.) She is supported by his father's military pension. (Tr.

Applicant's brother is employed by the Iraq Ministry of Interior, was trained by U.S. Forces in 2005, and works as an unarmed security officer for the Facilities Protection Service in Iraq. Applicant talks to his brother between two times and four times a year by social media. (Tr. 50.)

Applicant has had no contact with his oldest sister since he visited her in Iraq in 2014. The lack of contact is due to a poor relationship between her and Applicant's wife. (Tr. 52.) He talks to his middle sister two or three times a year. His last contact with his youngest sister was in 2014, when she returned to Iraq.

Applicant has had no personal contact with his mother-in-law and brothers-in-law since 2014. His last personal contact with his uncle was in 2017, when his uncle visited the United States in connection with personal business in Iraq. (Tr. 59.) Applicant communicates with his uncle about twice a year by text message. (Tr. 61.)

Applicant's wife talks to her mother and one of her sisters in Iraq about twice a week. His wife's other sister lives in Turkey. Applicant exchanges greetings with his wife's mother about twice a year. He last visited her in person in 2014. (Tr. 62-63, 65-66.)

One of Applicant's brothers-in-law is a teacher in an Iraqi government school. His wife talks to her brother about once a month, and Applicant exchanges greetings with him

occasionally. (Tr. 67.) Applicant's other brother-in-law owns a small grocery store. Applicant's wife talks to this brother-in-law about once a month, and Applicant exchanges greetings with him about once a year. (Tr. 69.)

Iraq is a constitutional parliamentary republic. Iraqi parliamentary elections in 2014 generally met international standards of free and fair elections and led to a peaceful transition of power. The United States regards Iraq as a key partner in the region as well as a voice of moderation and democracy in the Middle East, and it maintains vigorous and broad engagement with Iraq on diplomatic, political, economic, and security issues. U.S. assistance to Iraq focuses on economic reform, assistance to vulnerable groups, democracy, and governance. U.S. security assistance supports the development of a modern, accountable, fiscally sustainable, and professional Iraqi military capable of defending Iraq and its borders.

The Islamic State in Iraq and Syria (ISIS) is a designated terrorist organization that controls some areas of Syria on the Iraqi border and remains a threat to public safety in Iraq through indiscriminate terrorist attacks. ISIS, criminal gangs, and local militias pose a potential threat to U.S. citizens and interests. The Department of State travel advisory for Iraq is Level 4: "Do not travel to Iraq due to terrorism and armed conflict."

Iraq's most significant human rights issues include allegations of unlawful killings by some members of the Iraqi Security Forces, forced disappearances, torture, arbitrary detention, and widespread official corruption. Iraqi citizens are not eligible for travel to the United States under the Visa Waiver program, which permits citizens of certain countries to travel to the United States for business or tourism for up to 90 days without a visa.

Guideline F, Financial Considerations

The SOR alleges ten delinquent debts totaling about \$56,779. The debts are reflected in credit reports from March 2017, May 2017, and April 2019. (GX 3, 4 and 5.)

Applicant testified that his financial problems began in 2017, when his income was drastically reduced. He had been working for a contractor supporting an AGA. He worked at night, earning a night differential, and working overtime. He earned \$84,000 in 2014 and \$73,000 in 2015. Due to budget cuts, his employer stopped his night work and overtime, reducing his annual income to about \$31,800. (Tr. 104-09.) When his pay was reduced, he kept his house payments current but fell behind on his other debts. (GX 4 at 1; GX 5 at 1.) He hired a credit-repair company in April 2018. (Enclosure to SOR answer.) He terminated his contract with the company after paying \$110 per month for three months and decided to deal directly with his creditors. (Tr. 114-15.) The evidence concerning the debts alleged in the SOR is summarized below.

SOR ¶ 2.a: credit-card account charged off for \$6,187. Applicant opened this account in October 2011. It was charged off in June 2017. (GX 4 at 2.) He made a payment agreement in August 2018 providing for monthly \$100 payments. (Attachment to SOR answer.) His payments were current through February 10, 2020. (AX EE.)

SOR ¶ 2.b: electronics bill referred for collection of \$1,980. Applicant testified that he believed this debt was for a cellphone. (Tr. 77.) It was referred for collection in December 2017. (GX 4 at 2.) He made a payment agreement with the collection agency for this debt and settled it for less than the full amount on February 11, 2020. (AX FF.)

SOR ¶ 2.c: collection account for \$624. Applicant testified that this debt was for the purchase of a lawn mower. The account was opened in December 2014 and charged off in July 2016. (GX 3 at 4.) In October 2017, it was referred to the same collection agency as the debt alleged in SOR ¶ 2.b, and it was settled on February 11, 2020. (Tr. 77; AX FF.)

SOR ¶ 2.d: automobile lease referred for collection of \$24,965. Applicant testified that he purchased a car for \$35,000 with a six-year loan. He was advised by an unidentified person that he should lease a car instead of buying one. In 2012, he traded in his \$35,000 car and leased a luxury car for three years. (Tr. 33; GX 5 at 3.) He had a dispute with the dealership about a \$2,300 repair that he thought should be covered by the warranty. He stopped making payments and the car was repossessed in September 2015. (Tr. 81-83; GX 5 at 1.) In his answer to the SOR, he submitted evidence that he received a settlement offer in February 2019, and he settled the debt in April 2019 for less than the full amount.

SOR ¶ 2.e: electronics bill referred for collection of \$2,089. This debt was for the purchase of a television. It was charged off in February 2016 and was referred to the same collection agency as the debts alleged in SOR ¶¶ 2.b and 2.c. (GX 3 at 3.) He settled this debt for less than the full amount in March 2019. (Enclosure to SOR answer.)

SOR ¶ 2.f: credit-card account referred for collection of \$1,619. This account was opened in February 2012 and charged off in August 2016. (GX 4 at 2.) It was settled for less than the full amount on February 11, 2020. (AX NN.)

SOR ¶ 2.g: department store account charged off for \$1,382. This was opened in August 2011 and charged off in September 2016. (GX 3 at 4.) It was settled in September 2018. (AX II.)

SOR ¶ 2.h: home improvement store account charged off for \$427. This account was opened in December 2014 and charged off in July 2016. (GX3 at 4.) In Applicant's answer to the SOR, he submitted documentation of a settlement offer he received and accepted in April 2019. He paid the final installment of \$156.77 on February 11, 2020. (AX JJ.)

SOR ¶ 2.i: credit-card account referred for collection of \$1,979. This debt is a duplicate of the debt alleged in SOR ¶ 2.b. (AX FF.)

SOR ¶ 2.j: credit-card account referred for collection of \$15,527. This account was opened in April 2010 and referred for collection in December 2015. (GX 3 at 3.) Applicant settled this debt for less than the full amount in September 2018. (AX KK.) The

creditor cancelled \$13,826 of the debt. Applicant received an IRS Form 1099-C reflecting the cancelled portion of the debt, and he reported it as income on his tax return for 2018. (Tr. 96-97; AX LL.)

Applicant is currently employed full time by a local county as an assistant broadcast engineer at an annual salary of \$75,000. He also has two part-time jobs as a freelance contractor for an AGA, from which he expects to earn about \$30,000 per year. (Tr. 100-02.) He has about \$50,000 in savings that he has accumulated since 2018. (Tr. 104.)

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 B, Foreign Influence

The security concern under this guideline is set out in AG ¶ 6:

Foreign contacts and interests, including, but not limited to, business, financial, and property interests, are a national security concern if they result in divided allegiance. They may also be a national security concern if they create circumstances in which the individual maybe manipulated or induced to help a foreign person, group, organization, or government in a way inconsistent with U.S. interests or otherwise made vulnerable to pressure or coercion by any foreign interest. Assessment of foreign contacts and interests should consider the country in which the foreign contact or interest is located, including, but not limited to, considerations such as whether it is known to target U.S. citizens to obtain classified or sensitive information or is associated with a risk of terrorism.

Guideline B is not limited to countries hostile to the United States. “The United States has a compelling interest in protecting and safeguarding classified information from any person, organization, or country that is not authorized to have access to it, regardless of whether that person, organization, or country has interests inimical to those of the United States.” ISCR Case No. 02-11570 at 5 (App. Bd. May 19, 2004).

Furthermore, “even friendly nations can have profound disagreements with the United States over matters they view as important to their vital interests or national security.” ISCR Case No. 00-0317 (App. Bd. Mar. 29, 2002). Finally, we know friendly nations have engaged in espionage against the United States, especially in the economic, scientific, and technical fields. Nevertheless, the nature of a nation’s government, its

relationship with the United States, and its human-rights record are relevant in assessing the likelihood that an applicant's family members are vulnerable to government coercion. The risk of coercion, persuasion, or duress is significantly greater if the foreign country has an authoritarian government, a family member is associated with or dependent upon the government, or the country is known to conduct intelligence operations against the United States. In considering the nature of the government, an administrative judge must also consider any terrorist activity in the country at issue. See *generally* ISCR Case No. 02-26130 at 3 (App. Bd. Dec. 7, 2006) (reversing decision to grant clearance where administrative judge did not consider terrorist activity in area where family members resided).

The following disqualifying conditions under this guideline are potentially applicable:

AG ¶ 7(a): contact, regardless of method, with a foreign family member, business or professional associate, friend, or other person who is a citizen of or resident in a foreign country if that contact creates a heightened risk of foreign exploitation, inducement, manipulation, pressure, or coercion;

AG ¶ 7(b): connections to a foreign person, group, government, or country that create a potential conflict of interest between the individual's obligation to protect classified or sensitive information or technology and the individual's desire to help a foreign person, group, or country by providing that information or technology; and

AG ¶ 7(e): shared living quarters with a person or persons, regardless of citizenship status, if that relationship creates a heightened risk of foreign inducement, manipulation, pressure, or coercion.

AG ¶¶ 7(a) and (e) require substantial evidence of a "heightened risk." The "heightened risk" required to raise one of these disqualifying conditions is a relatively low standard. "Heightened risk" denotes a risk greater than the normal risk inherent in having a family member living under a foreign government. When foreign family ties are at issue, the totality of an applicant's family ties to a foreign country as well as each individual family tie must be considered. ISCR Case No. 01-22693 at 7 (App. Bd. Sep. 22, 2003).

AG ¶¶ 7(a) and 7(b) are established. While Iraq and the United States are allies and share many common goals, the activities of terrorists, criminal gangs, and local militias in Iraq are sufficient to raise the heightened risk in AG ¶ 7(a) and the potential conflict of interest in AG ¶ 7(b).

AG ¶ 7(e) is established. Although Applicant's wife is a U.S. citizen, she has numerous immediate family members in Iraq. "[T]here is a rebuttable presumption that a person has ties of affection for, or obligation to, the immediate family members of the person's spouse." ISCR Case No. 01-03120 (App. Bd. Feb. 20, 2002); see *also* ISCR Case No. 09-06457 at 4 (App. Bd. May 16, 2011).

The following mitigating conditions are potentially applicable:

AG ¶ 8(a): the nature of the relationships with foreign persons, the country in which these persons are located, or the positions or activities of those persons in that country are such that it is unlikely the individual will be placed in a position of having to choose between the interests of a foreign individual, group, organization, or government and the interests of the U.S;

AG ¶ 8(b): there is no conflict of interest, either because the individual's sense of loyalty or obligation to the foreign person, group, government, or country is so minimal, or the individual has such deep and longstanding relationships and loyalties in the U.S., that the individual can be expected to resolve any conflict of interest in favor of the U.S. interest; and

AG ¶ 8(c): contact or communication with foreign citizens is so casual and infrequent that there is little likelihood that it could create a risk for foreign influence or exploitation.

AG ¶ 8(a) is not established. Applicant's multiple family ties to immediate family members and his wife's family ties preclude a finding that a conflict of interest is unlikely.

AG ¶ 8(b) is established. Applicant served with distinction in combat operations with U.S. forces from February 2009 to July 2011. He and his family were granted special immigrant visas because of his service. He worked as a contractor for an AGA from May 2011 to May 2017. He sought to enlist in the U.S. Army as a linguist until his plans were derailed by his wife's injury and disability. He owns a home in the United States. His wife and children are U.S. citizens. He served with distinction in support of U.S. forces on sensitive missions in a combat zone. His deep and longstanding relationships and loyalties in U.S. are such that he can be expected to resolve any conflict of interest in favor of the United States. He "has established by credible, independent evidence that his compliance with security procedures and regulations occurred in the context of dangerous, high-risk circumstances in which [he] had made a significant contribution to the national security." ISCR Case No. 06-25928 at 4 (App. Bd. Apr. 9, 2008).

AG ¶ 8(c) is not fully established. Applicant has not overcome the presumption that communications with immediate family members are not casual. See ISCR Case No. 00-0484 at 5 (App. Bd. Feb. 1, 2002). However, this mitigating condition is established for Applicant's contacts with his uncle, mother-in-law, and brothers-in-law.

Guideline F, Financial Considerations

The security concern under this guideline 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. . . . 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. See ISCR Case No. 11-05365 at 3 (App. Bd. May 1, 2012).

The debts alleged in SOR ¶¶ 2.b and 2.i are duplicates. When the same conduct is alleged twice in the SOR under the same guideline, one of the duplicative allegations should be resolved in Applicant's favor. See ISCR Case No. 03-04704 at 3 (App. Bd. Sep. 21, 2005) (same debt alleged twice). Accordingly, I have resolved SOR ¶ 2.i for Applicant.

Applicant's admissions and his history of delinquent debts reflected in his credit reports from March 2017, May 2017, and April 2019 are sufficient to establish following disqualifying conditions under this guideline:

AG ¶ 19(a): inability to satisfy debts;

AG ¶ 19(b): unwillingness to satisfy debts regardless of the ability to do so;
and

AG ¶ 19(c): a history of not meeting financial obligations.

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 overdue creditors or otherwise resolve debts; and

AG ¶ 20(a) is not established. Applicant's delinquent debts were numerous, recent, and were not incurred under circumstances making them unlikely to recur.

AG ¶¶ 20(b) and 20(d) are established. Applicant's drastic pay reduction in 2016 was a condition beyond his control, and he has acted responsibly. Although his income has fluctuated and some jobs have been intermittent, he has been employed continuously since his pay reduction, frequently working in multiple part-time jobs simultaneously. He initiated a payment agreement for the debt alleged in SOR ¶ 2.a in August 2018. He settled the debts alleged in SOR ¶¶ 2.g and 2.j in September 2018. He settled the debt alleged in SOR ¶ 2.e in March 2019 and the debt alleged in SOR ¶ 2.d in April 2019. He resolved all these debts before he received the SOR.

Applicant did not fully resolve the debts alleged in SOR ¶¶ 2.b, 2.c, 2.f, and 2.h until February 11, 2020, four days after the hearing. However, the adjudicative guidelines do not require that an individual make payments on all delinquent debts simultaneously, pay the debts alleged in the SOR first, or establish resolution of every debt alleged in the SOR. He or she need only establish a plan to resolve financial problems and take significant actions to implement the plan. ISCR Case No. 07-06482 at 2-3 (App. Bd. May 21, 2008). Applicant has been systematically addressing his debts since at least August 2018. He has succeeded in resolving all the debts alleged in the SOR. He is gainfully employed in one full-time job and two part-time jobs and has accumulated substantial savings.

AG ¶ 20(c) is not established. Applicant's brief contract with a credit-repair company did not provide the type of financial counseling contemplated by this mitigating condition. However, there are "clear indications" that his financial situation is under control.

Whole-Person Concept

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. An administrative judge should consider the nine adjudicative process factors listed at 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.

I have incorporated my comments under Guidelines B and F in my whole-person analysis. Some of the factors in AG ¶ 2(d) were addressed under those guidelines, but some warrant additional comment. Applicant was candid, sincere, and credible at the hearing. In 2014 and 2015, he found himself earning more money than he had previously experienced, and he rewarded himself and his family with expensive purchases. He learned his lesson after his pay reduction and the resulting financial distress. He is now financially secure. After weighing the disqualifying and mitigating conditions under Guidelines B and F, and evaluating all the evidence in the context of the whole person, I conclude Applicant has mitigated the security concerns raised by his family ties to Iraq and his delinquent debts.

Formal Findings

I make the following formal findings on the allegations in the SOR:

Paragraph 1, Guideline B (Foreign Influence): FOR APPLICANT

Subparagraphs 1.a-1.f: For Applicant

Paragraph 2, Guideline F (Financial Considerations): FOR APPLICANT

Subparagraphs 2.a-2.j: For Applicant

Conclusion

I conclude that it is clearly consistent with the national security interests of the United States to grant Applicant eligibility for access to classified information. Clearance is granted.

LeRoy F. Foreman
Administrative Judge