



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



In the matter of:

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ISCR Case No. 19-02562

Applicant for Security Clearance

Appearances

For Government: Patricia Lynch-Epps, Esq., Department Counsel

For Applicant: *Pro se*

05/12/2020

Decision

HARVEY, Mark, Administrative Judge:

Applicant presented some important mitigating information; however, he failed to fully mitigate security concerns arising under Guideline F (financial considerations). Eligibility for access to classified information is denied.

Statement of the Case

On April 7, 2017, Applicant completed and signed a Questionnaire for National Security Positions or security clearance application (SCA). (Government Exhibit (GE) 1) On September 13, 2019, the Department of Defense (DOD) Consolidated Adjudications Facility (CAF) issued a statement of reasons (SOR) to Applicant under Executive Order (Exec. Or.) 10865, *Safeguarding Classified Information within Industry*, February 20, 1960; DOD Directive 5220.6, *Defense Industrial Personnel Security Clearance Review Program* (Directive), January 2, 1992; and Security Executive Agent Directive 4, establishing in Appendix A the *National Security Adjudicative Guidelines for Determining Eligibility for Access to Classified Information or Eligibility to Hold a Sensitive Position* (AGs), effective June 8, 2017. (Hearing Exhibit (HE) 2)

The SOR detailed reasons why the DOD CAF did not find under the Directive that it is clearly consistent with the interests of national security to grant or continue a security clearance for Applicant and recommended referral to an administrative judge to determine whether a clearance should be granted, continued, denied, or revoked.

Specifically, the SOR set forth security concerns arising under Guideline F. (HE 2) On October 3, 2019, Applicant responded to the SOR and requested a hearing. (HE 3)

On November 20, 2019, Department Counsel was ready to proceed. On November 26, 2019, the case was assigned to me. On December 20, 2019, the Defense Office of Hearings and Appeals (DOHA) issued a notice of hearing, setting the hearing for January 16, 2020. (HE 1C) The hearing was cancelled, and on January 17, 2020, it was rescheduled for February 6, 2020. (HE 1A; HE 1B) The hearing was held as rescheduled on February 6, 2020.

During the hearing, Department Counsel offered four exhibits, and Applicant objected to admissibility of three credit reports because he believed they were inaccurate. (Transcript (Tr.) 19-22; GE 2-4) Applicant said he was the victim of identity theft; his credit report contained some debts that were not his debts; and he employed a credit repair company (CRC1) to help with his credit. (Tr. 19) He said, "I was in limbo trying to figure out what I was responsible for and what I wasn't. Some things [on his credit report] I just know I didn't personally put on my credit." (Tr. 19) Applicant's objection went to the weight and not the admissibility of his credit reports, and I overruled his objection. (Tr. 19-22; GE 1-4) Applicant was provided a full opportunity to challenge the individual entries on his credit report during and after his hearing. Applicant offered one exhibit; there was no objection; and Applicant's exhibit was admitted into evidence. (Transcript (Tr.) 21-22; Applicant Exhibit (AE) A)

I granted Applicant's request for additional time to submit documentation. On February 19, 2020, DOHA received a transcript of the hearing. I received two post-hearing exhibits, which were admitted into evidence without objection. (AE B, AE C) The record initially closed on March 6, 2020. (Tr. 71) On March 9, 2020, I received comments from Department Counsel about Applicant's exhibits. (HE 4) Applicant requested, and on March 7, 2020, I approved an extension until March 13, 2020, to enable Applicant to present evidence about his income tax returns and student loans. (AE D) Applicant did not provide any documentation after March 7, 2020.

Some details were excluded to protect Applicant's right to privacy. Specific information is available in the cited exhibits and transcript. ISCR decisions and the Directive are available at <https://ogc.osd.mil/doha/isp.html>.

Findings of Fact

In Applicant's SOR response, he admitted the SOR allegations in ¶¶ 1.a through 1.m. (HE 3) His admissions are accepted as findings of fact.

Applicant is a 31-year-old information technology specialist, and he has been employed by his current DOD contractor since October 2019. (Tr. 6, 9) In 2006, he graduated from high school, and in 2013, he received a bachelor of science degree in management communication systems. (Tr. 7) In 2016, he received a master's degree in computer science and information technology. (Tr. 8-9, 25) He served in the Army from 2007 to present, including an 11-month tour in Iraq from April 2009 to February 2010 as

a combat engineer. (Tr. 7; GE 2) He is a sergeant (E-5) in the Army National Guard, and his current military occupational specialty (MOS) is military police resettlement specialist. (Tr. 7-8) His highest military award is an Army Commendation Medal (ARCOM). (Tr. 8) He has never married, and he does not have any children. (Tr. 9-10)

Financial Considerations

In the past three years, Applicant was unemployed once and that was for two months in 2019. (Tr. 9, 29-31) He said he was the victim of identity theft. (Tr. 24) In 2017, he employed CRC1 to correct his credit reports. (Tr. 62, 33-35, 64-65; GE 2 at 7) He also received some financial counseling from CRC1. (Tr. 62-63) He wanted CRC1 to arrange consolidation of his verified debts; however, the CRC1 was too slow. (Tr. 32-33) In March 2018, he ended his employment of CRC1, and he decided that his sister-in-law was a better choice to handle his debt resolution. (Tr. 33, 65) Based on his sister-in-law's advice, he decided to pay one debt at a time. (Tr. 33-34, 66) He learned about most of the delinquent debts on his SOR in 2017 when he employed CRC1 to repair his credit. (Tr. 32, 35) He has a written budget. (Tr. 67)

Applicant provided an agreement with a different credit repair company (CRC2) dated February 11, 2020; however, the agreement was unsigned. (AE C) In return for a flat fee of \$1,200, CRC2 agreed to provide the following services: (1) assess Applicant's current financial situation; (2) provide a detailed review of his income, assets, and expenses; (3) provide personalized options based on his goals, which may include social service referrals, educational materials and resources, and a debt management plan; and (4) assist with either a debt management plan or debt consolidation. (AE C)

Applicant did not provide any documentation to corroborate his hearing statement that he paid any of his debts. He said he paid the debts in SOR ¶¶ 1.j, 1.k, and 1.l, and those three debts were removed from his most recent credit report. The other SOR debts that he said were resolved were still listed on his most recent credit report of record.

The SOR alleges 13 delinquent debts totaling \$27,598 as follows:

SOR ¶ 1.a alleges that Applicant has a utility debt placed for collection for \$255. Applicant said he owed the debt. (Tr. 32-34) SOR ¶¶ 1.b, 1.c, and 1.m allege, and Applicant admitted that he has three medical accounts placed for collection for \$84, \$212, and \$97. (Tr. 34-36, 53; HE 3)

SOR ¶ 1.d alleges that Applicant has a charged-off telecommunications debt for \$848. (Tr. 28) Applicant contacted the creditor and learned the debt was sold to another creditor, and he asked about settling the debt. (Tr. 36-37) He did not indicate the creditor proposed a settlement amount.

SOR ¶¶ 1.e and 1.f allege that Applicant has two debts placed for collection that are owed to the Department of Veterans Affairs (VA) for \$875 and \$286. The VA overpaid Applicant for his tuition. (Tr. 38) Applicant said the two debts were paid when the VA received his Army National Guard drill pay. (Tr. 38-39) The two debts are still shown as

delinquent on his most recent credit report. He did not provide Army National Guard records showing any payments to the VA.

SOR ¶ 1.g alleges that Applicant has a charged-off bank debt for \$1,160. Applicant admitted responsibility for the debt, and he said he had not made any payments to the creditor. (Tr. 41-42) He planned to pay the debt. (Tr. 42)

SOR ¶ 1.h alleges that Applicant has a charged-off debt for \$22,330. In 2014, Applicant borrowed funds to enable his sister to have a vehicle, and Applicant is the only borrower on the loan agreement. (GE 2 at 7; GE 3) His sister told Applicant that she would pay the debt. In 2016, she defaulted on the loan, and in 2017, the vehicle was repossessed. (GE 2 at 7; GE 3) His August 19, 2019 credit report indicates the charged-off amount was \$22,330. (GE 3) Applicant's June 27, 2018 Office of Personnel Management (OPM) personal subject interview (PSI) states that Applicant planned to resolve the \$7,000 debt with a lump-sum payment by April 2019. (GE 2 at 7) Payment was delayed because Applicant wanted to verify that the creditor seeking payment was actually the creditor holding the debt. (Tr. 43-46) On January 2, 2020, the creditor wrote the outstanding balance is \$14,035; the creditor offered to settle the debt for \$2,105; and Applicant was offered the option of making six \$351 monthly payments to resolve the debt. (AE A) At his hearing, Applicant said he intended to make his first payment after his hearing on February 22, 2020. (Tr. 48, 72) Department Counsel reminded Applicant about providing proof of the \$351 payment. (AE B) However, the record closed on March 13, 2020, and he did not provide proof of the first \$351 payment.

SOR ¶ 1.i alleges that Applicant has a charged-off bank card debt for \$913. Applicant admitted responsibility for this debt. (Tr. 49; HE 3) SOR ¶ 1.j alleges that Applicant has a store credit card placed for collection for \$279. Applicant said he paid the debt in 2018, and CRC1 was able to get it removed from his credit report. (Tr. 50) Applicant's August 19, 2019 credit report does not include the SOR ¶ 1.j debt, and Applicant is credited with paying it. (GE 3)

SOR ¶ 1.k alleges that Applicant has a telecommunications debt placed for collection for \$151. Applicant said he paid the debt in 2018. (GE 2) He also said the debt was resolved when he turned in cable equipment. (Tr. 51-52) This debt does not appear on his August 19, 2019 credit report, and Applicant is credited with resolving it. (GE 3)

SOR ¶ 1.l alleges that Applicant has an insurance debt placed for collection for \$108. Applicant said he paid the debt in 2018; he disputed his responsibility for this debt; and it was removed from his credit report. (Tr. 52-53; GE 2; GE 3) Applicant is credited with resolving this debt.

In addition to the SOR-alleged debts, Applicant is making payments on a state tax debt that resulted from an error in his tax return for tax year 2014. (Tr. 54) When he began making payments, he owed \$2,200. (Tr. 54) Payments are being taken out of his paycheck, and he currently owes \$770. (Tr. 54) Applicant has student loans totaling about \$50,000 that are in deferment. (Tr. 69-70; GE 3) I asked Applicant to provide a copy of IRS Form 1040s for the last five years, documentation showing the status of his state tax

debt, his request for deferment of his student loans, and any approval of deferment of his student loans. (Tr. 70-73) After his hearing, Applicant provided a document showing he was applying for an Income-Driven Repayment plan to address his student loans. (AE B) He did not provide the previous request for deferment, and I reiterated my request for a copy of his student loan deferral and approval. (AE D) Applicant traveled to Panama in 2017 and to Jamaica in 2018 for tourism. (Tr. 58-60; GE 2)

Applicant's June 27, 2018 OPM personal subject interview provided notice to Applicant of the delinquent status of several accounts. (GE 2) For several of the debts, he indicated CRC1 was resolving the debts. (GE 2) For others, he said he was unaware of the delinquent debts. (GE 2)

Applicant emphasized that he has been in the Army for 13 years, and he is pursuing promotion to staff sergeant. (Tr. 24) He needs a security clearance for his Army employment and his DOD-contractor employment. (Tr. 24, 29-30) He intended to improve his financial decisions and financial responsibility. (Tr. 24-25)

Policies

The U.S. Supreme Court has recognized the substantial discretion of the Executive Branch in regulating access to information pertaining to national security emphasizing, "no one has a 'right' to a security clearance." *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 applicant's 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.

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, these guidelines are applied 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, 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 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 "in terms of the national interest and shall in no sense be a determination as to the loyalty of the applicant concerned." See Exec. Or. 10865 § 7. Thus, nothing in this decision should be construed to suggest that it is based, in whole or in part, on any express or implied determination about applicant's allegiance, loyalty, or

patriotism. It is merely an indication the applicant has not met the strict guidelines the President, Secretary of Defense, and DNI 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). “It means such relevant evidence as a reasonable mind might accept as adequate to support a conclusion.” *Richardson v. Perales*, 402 U.S. 389, 401 (1971) (citation omitted). 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. 95-0611 at 2 (App. Bd. May 2, 1996).

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 ultimate burden of demonstrating that it is clearly consistent with the national interest to grant or continue his [or her] security clearance.” ISCR Case No. 01-20700 at 3 (App. Bd. Dec. 19, 2002). The burden of disproving a mitigating condition never shifts to the Government. See ISCR Case No. 02-31154 at 5 (App. Bd. Sep. 22, 2005). “[S]ecurity clearance determinations should err, if they must, on the side of denials.” *Egan*, 484 U.S. at 531; see AG ¶ 2(b).

Analysis

Financial Considerations

AG ¶ 18 articulates the security concern for financial problems:

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. . . .

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.

AG ¶ 19 includes disqualifying conditions that could raise a security concern and may be disqualifying in this case: "(b) unwillingness to satisfy debts regardless of the ability to do so"; and "(c) a history of not meeting financial obligations." The record evidence establishes AG ¶¶ 19(b) and 19(c).

AG ¶ 20 lists financial considerations mitigating conditions which may be applicable in this case:

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

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

(e) the individual has a reasonable basis to dispute the legitimacy of the past-due debt which is the cause of the problem and provides documented proof to substantiate the basis of the dispute or provides evidence of actions to resolve the issue.

In ISCR Case No. 10-04641 at 4 (App. Bd. Sept. 24, 2013), the DOHA Appeal Board concisely explained Applicant's responsibility for proving the applicability of mitigating conditions as follows:

Once a concern arises regarding an Applicant's security clearance eligibility, there is a strong presumption against the grant or maintenance of a security clearance. See *Dorfmont v. Brown*, 913 F. 2d 1399, 1401 (9th Cir. 1990), *cert. denied*, 499 U.S. 905 (1991). After the Government presents evidence raising security concerns, the burden shifts to the applicant to rebut or mitigate those concerns. See Directive ¶ E3.1.15. The standard applicable in security clearance decisions is that articulated in

Egan, supra. “Any doubt concerning personnel being considered for access to classified information will be resolved in favor of the national security.” Directive, Enclosure 2 ¶ 2(b).

Applicant presented some important mitigating information. Applicant paid, settled, or resolved the debts in SOR ¶¶ 1.j (\$279), 1.k (\$151), and 1.l (\$108). He sought financial assistance from CRC1, his sister-in-law, and CRC2. (AE C) He received some financial counseling, and he generated a budget. He indicated his finances were harmed through identity theft; however, he did not indicate any of the specific debts on his SOR were the product of identity theft. He did not prove that identity theft adversely affected his finances. He did not provide evidence that his financial problems were largely beyond his control and that he acted reasonably under the circumstances. He did not describe any lengthy period of unemployment or reduction in his income in the last three years. He received ample warning through the OPM PSI and SOR of the security issue pertaining to the delinquent debts and his finances. His June 27, 2018 OPM PSI states that Applicant planned to resolve the \$7,000 debt in SOR ¶ 1.h with a lump-sum payment by April 2019. However, as of the date of his hearing, he did not provide proof of any payments to address this debt.

The timing of the resolution of Applicant’s debts is a pertinent consideration. The Appeal Board has observed, “Applicants who begin to resolve their debts only after having been placed on notice that their clearances or trustworthiness designations are in jeopardy may be disinclined to follow rules and regulations when their personal interests are not at stake.” ADP Case No. 17-00263 at 3 (App. Bd. Dec. 19, 2018) (citing ISCR Case No. 16-03122 at 3-4 (App. Bd. Aug. 17, 2018)).

The SOR alleges 13 delinquent SOR debts totaling \$27,598, after deducting the three debts in SOR ¶¶ 1.j, 1.k, and 1.l, 10 debts totaling \$27,060 remained. The SOR debt in ¶ 1.h was listed for \$22,330; however, the debt was actually \$14,035. The creditor in SOR ¶ 1.h offered to settle the \$14,035 debt for \$2,105. He did not establish that he was unable to make greater progress sooner paying or resolving these 10 debts.

Applicant’s SOR does not allege that his student loans and income taxes raised a security concern. In ISCR Case No. 03-20327 at 4 (App. Bd. Oct. 26, 2006), the Appeal Board listed five circumstances in which conduct not alleged in an SOR may be considered stating:

- (a) to assess an applicant’s credibility; (b) to evaluate an applicant’s evidence of extenuation, mitigation, or changed circumstances; (c) to consider whether an applicant has demonstrated successful rehabilitation; (d) to decide whether a particular provision of the Adjudicative Guidelines is applicable; or (e) to provide evidence for whole person analysis under Directive Section 6.3.

Id. (citing ISCR Case No. 02-07218 at 3 (App. Bd. Mar. 15, 2004); ISCR Case No. 00-0633 at 3 (App. Bd. Oct. 24, 2003)). See also ISCR Case No. 12-09719 at 3 (App. Bd. Apr. 6, 2016) (citing ISCR Case No. 14-00151 at 3, n. 1 (App. Bd. Sept. 12, 2014); ISCR

Case No. 03-20327 at 4 (App. Bd. Oct. 26, 2006)). Without supporting documentation, the status, rationale for deferment, and payment history of Applicant's \$50,000 student loan debt is unclear. He said he had a student loan deferment; however, he did not provide documentation showing the basis for deferment. Instead, he sent documentation showing he was requesting a student loan payment plan. The record does not show his student loans were delinquent, and if so, the magnitude of the delinquency. He said he was making payments on a state tax debt from 2014. I requested state and federal tax returns to show the status of his taxes and to show his annual income; however, he did not provide the requested tax information.

"[I]t is reasonable for a Judge to expect applicants to present documentation about the resolution of specific debts." ISCR Case No. 16-02912 at 3 (App. Bd. Apr. 6, 2018) (citing ISCR Case No. 15-03363 at 2 (App. Bd. Oct. 19, 2016)). "This implies something that independently substantiates the resolution of debts." ISCR Case No. 17-03462 at 5 n.7 (App. Bd. Dec. 18, 2018) (noting absence of IRS tax transcripts and citing ISCR Case No. 15-03363 at 2 (App. Bd. Oct. 19, 2016)). Failure to provide requested financial information "without explaining why it was that such a document was not available" may undermine a determination that Applicant met his burden of persuasion. See ISCR Case No. 16-02322 at 4 (App. Bd. Mar. 14, 2018) (reversing grant of security clearance in part due to failure of Applicant to provide an IRS tax transcript).

The non-SOR allegations do not necessarily establish a security concern as his recent tax returns may have been timely filed and paid. His student loans may have been legitimately deferred. The record did not include recent information about unemployment, college attendance, recent active duty military service, or other reasons for student loan deferment. See Debt.org website, <https://www.debt.org/students/forbearance-deferment/>; NelNet website, <https://www.nelnet.com/postpone-your-payments>. Applicant has a responsibility to provide reasonably available requested financial information, and failure to provide that information reduces mitigation. The issues of his taxes and student loans will not be considered except for the five purposes listed above.

In sum, there is insufficient evidence about why Applicant was unable to make greater progress sooner resolving his delinquent SOR debts. There are not clear indications his financial problems are under control. Applicant failed to establish mitigation of 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 the Applicant's conduct and all the circumstances. The 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.

Under AG ¶ 2(c), “[t]he ultimate determination” of whether to grant a security clearance “must be an overall commonsense judgment based upon careful consideration of the guidelines” and the whole-person concept. My comments under Guideline F are incorporated in my whole-person analysis. Some of the factors in AG ¶ 2(d) were addressed under that guideline but some warrant additional comment.

Applicant is a 31-year-old information technology specialist, and he has been employed by the current DOD contractor since October 2019. In 2013, he received a bachelor of science degree in management communication systems, and in 2016, he received a master’s degree in computer science and information technology. He served in the Army from 2007 to present, including an 11-month tour in Iraq from April 2009 to February 2010 as a combat engineer. He is a sergeant in the Army National Guard, and his current MOS is military police resettlement specialist. His highest military award is an ARCOM. There is no evidence of violation of security rules or responsibilities while serving with U.S. forces in a combat zone. See ISCR Case No. 18-02581 at 4 (App. Bd. Jan. 14, 2020) (noting admissibility of “good security record,” but commenting that security concerns may nevertheless not be mitigated).

Applicant did not establish he was unable to make greater progress sooner resolving the debts in SOR ¶¶ 1.a through 1.i and 1.m. His actions under the Appeal Board jurisprudence are insufficient to fully mitigate financial considerations security concerns. Applicant’s failure to “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 his reliability, trustworthiness, and ability to protect classified or sensitive information.” AG ¶ 18.

It is well settled that once a concern arises regarding an applicant’s security clearance eligibility, there is a strong presumption against granting a security clearance. See *Dorfmont*, 913 F. 2d at 1401. I have carefully applied the law, as set forth in *Egan*, Exec. Or. 10865, the Directive, the AGs, and the Appeal Board’s jurisprudence to the facts and circumstances in the context of the whole person. Applicant failed to mitigate financial considerations security concerns.

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 through 1.i:	Against Applicant
Subparagraphs 1.j through 1.l:	For Applicant
Subparagraph 1.m:	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 or continue Applicant's eligibility for access to classified information. Eligibility for access to classified information is denied.

Mark Harvey
Administrative Judge