



DEPARTMENT OF DEFENSE  
DEFENSE OFFICE OF HEARINGS AND APPEALS



In the matter of: )  
)  
) ISCR Case No. 19-02584  
)  
)  
Applicant for Security Clearance )

**Appearances**

For Government: Aubrey M. De Angelis, Esq., Department Counsel  
For Appellant: *Pro Se*

December 10, 2020

**Decision**

GLENDON, John Bayard, Administrative Judge:

Applicant mitigated security concerns regarding foreign influence, but failed to mitigate concerns regarding financial considerations. National security eligibility for access to classified information is denied.

**Statement of the Case**

On January 23, 2018, Applicant filed a security clearance application (SCA). The Department of Defense Consolidated Adjudications Facility (DoD CAF) sent Applicant a Statement of Reasons (SOR) on September 25, 2019, setting forth nine allegations under Guideline F and two allegations under Guideline B. The DoD CAF acted under Executive Order 10865, *Safeguarding Classified Information within Industry* (Feb. 20, 1960), as amended; DOD Directive 5220.6, *Defense Industrial Personnel Security Clearance Review Program* (Jan. 2, 1992), as amended (Directive); and the adjudicative guidelines (AG) promulgated in Security Executive Agent Directive 4, *National Security Adjudicative Guidelines* (Dec. 10, 2016), effective within the Department of Defense on June 8, 2017.

On January 23, 2020, Applicant responded in writing to the SOR (Answer). She requested a hearing before an administrative judge of the Defense Office of Hearings and Appeals (DOHA). On March 2, 2020, a member of DOHA's staff emailed Applicant advising her that a package containing the Government's evidence was sent to her along with other procedural instructions for her hearing. On March 11, 2020, the case was assigned to me. The hearing on the case was delayed due to the Covid-19 pandemic. Applicant was contacted by a Department Counsel on May 7, 2020, updating her on the scheduling of her hearing. On May 16, 2020, Applicant acknowledged receiving this email thread, which included the March 2, 2020 email from DOHA's administrative personnel. DOHA issued a notice of hearing on October 1, 2020, scheduling the hearing for October 27, 2020.

Immediately before the commencement of the hearing, Applicant represented that she had not received the Government's evidence, notwithstanding the earlier communications. Department Counsel provided additional copies of its evidence to Applicant, and the hearing was delayed 30-40 minutes to give Applicant time to review the Government's evidence. Once the hearing commenced, Department Counsel presented six proposed exhibits, marked as Government Exhibits (GE) 1 through 6. I marked the email thread with correspondence dated March 2, 2020; May 7, 2020; and May 16, 2020 as Hearing Exhibit I. I marked Department Counsel's exhibit list as Hearing Exhibit II. Department Counsel also submitted a Request for Administrative Notice with respect to country conditions in the Philippines.

I gave Applicant additional time during the hearing to review GE 2, which is the summary of her January 11, 2019 background interview. Applicant offered no documentary evidence at the hearing, but requested additional time to submit proposed exhibits after the hearing. I granted her request and gave her a deadline of November 10, 2020. On November 5, 2020, she sent two emails to DOHA with two proposed exhibits, which I marked as Applicant's Exhibits (AE) A and B. I also marked Applicant's two emails as Hearing Exhibits III and IV. In Hearing Exhibit IV, she wrote that she was waiting for correspondence from another, possibly more, creditor(s). She made no further submissions and did not request additional time. Accordingly, the record closed on November 10, 2020. (Tr. at 13-16, 67.)

Absent any objections, I admitted all exhibits into the record. DOHA received the hearing transcript (Tr.) on November 4, 2020.

### **Request for Administrative Notice**

Applicant did not object to Department Counsel's Request for Administrative Notice of facts about the country conditions in the Philippines. I have taken administrative notice of the certain facts contained in the request that are supported by source documents, which are official U.S. Government publications. These facts are summarized in the Findings of Fact, below.

## **Findings of Fact**

Applicant's personal information is extracted from her SCA unless otherwise indicated by a parenthetical citation to the record. After a thorough and careful review of the pleadings, including Applicant's admissions in her Answer to all of the SOR allegations, her testimony, and the documentary evidence in the record, I make the following findings of fact.

Applicant, 52, is employed by a U.S. Government contractor as a quality supervisor. Her 2018 SCA is her first application for a security clearance. She has worked for this contractor continuously since 2007. In 1985, she earned a high school diploma in the Philippines, where she was born. In 1993, she married a man who was also born in the Philippines. Prior to their marriage, her husband had immigrated to the United States. He sponsored her immigration visa, and she entered the United States in 1998. Applicant became a U.S. citizen in 2005. They have three adult children. The two oldest were born in the Philippines, and the youngest was born in the United States. All three children are U.S. citizens. They are now grown, and live on their own without any support from their parents. (Tr. at 25, 31; GE 2 at 8.)

Applicant and her husband have owned their home since 2012. Applicant's mother has lived with them since 2008. Her mother was also born in the Philippines and immigrated to the United States. She became a U.S. citizen in 2018 or 2019. Applicant has a brother who resides with his wife and children in the Philippines. (Tr. at 75-77.)

## **Financial Considerations**

Applicant and her husband together earn about \$164,000 per year. Neither of them incurred a job loss at any time in recent years. Applicant testified that her husband's income in some years was less than usual, which is about \$100,000 annually, due to changes in his work schedule and loss of overtime. Her husband works for the U.S. military overseas as a civilian. He is away from home much of the time. The couple largely keep their finances separate with the exception of a joint savings account with a balance of about \$9,000. (Tr. at 27-29, 31-32; 55.)

At the hearing, Applicant admitted that much of her financial problems were due to her overspending on her credit cards. She also had a child in college. These circumstances caused some financial difficulties. The debts alleged in the SOR relate to her credit-card debts. In January 2016, Applicant obtained a loan in the amount of about \$50,000 that she used to pay off some of her credit cards. In or about February 2017, she defaulted in repaying this loan. The Government's credit report at that time also revealed that she defaulted on eight credit-card accounts, which are listed in the SOR. All of the credit cards are solely in her name. (GE 1 at 41-42, 43-49, 73; GE 3 at 4-5.)

In her January 2018 SCA, Applicant disclosed that she had consolidated her credit-card debts with a debt-consolidation company. She wrote that her financial problems began in March 2017. She testified that she saw an advertisement on TV for a business

that provided debt-consolidation services. She contacted the company and entered into an agreement with it. She understood the company would contact her creditors and pay them out of funds she paid to the company. She stopped paying her creditors directly. She subsequently realized that this debt-consolidation plan was a mistake because her creditors continued to contact her and pressure her to pay her debts. She terminated her contract with the company, and decided to pay her creditors directly. (Tr. at 32-34.)

The history and current status of Applicant's nine admitted debts listed in the SOR are as follows:

**SOR ¶ 1.a, Credit-Card Account in the amount of \$8,654.** This account was opened in 2011 and became delinquent in or about April 2017. The creditor has charged off this debt and transferred this account to a collection agency. Applicant has made no payments on this account since it became delinquent. She is hoping the creditor will contact her with a settlement offer. She will then negotiate an affordable settlement. **This debt is not resolved.** (Tr. at 35-36; GE 3 at 4; GE 4 at 2; GE 5 at 2; GE 6 at 1)

**SOR ¶ 1.b, Credit-Card Account in the amount of \$5,938.** This account was opened in July 2016 and became delinquent in or about March 2017. The creditor charged off this account in September 2017. The creditor filed a lawsuit and obtained a garnishment of Applicant's wages. She presently owes about \$217, and it will be fully paid off in the near future. **This debt is being involuntarily resolved by a court-ordered garnishment.** (Tr. at 36; GE 3 at 4; GE 4 at 2; GE 5 at 2; GE 6 at 4.)

**SOR ¶ 1.c, Credit-Card Account in the amount of \$5,767.** This account was opened in December 2017 and became delinquent in or about May 2018. The creditor transferred the account to a collection agency. Applicant testified that she spoke with the new creditor about two weeks prior to the hearing. She is waiting to receive from the creditor a settlement offer so that she can begin paying this debt. **This debt is not resolved.**

**SOR ¶ 1.d, Credit-Card Account in the amount of \$4,204.** The credit reports in the record do not list the date when this collection account was opened with the original credit-card issuer. The reports reflect that the account became delinquent in or about February 2017. Applicant recently received a settlement offer to pay \$263 per month on a reduced amount of about \$3,100. She spoke with the creditor by phone two months ago and has made one or two payments on the settlement. The Government's most recent credit report in the record, dated October 22, 2020, reflects a balance due of \$3,264, about \$940 less than the original amount of the debt. After the hearing, Applicant provided AE A from the creditor, which reflects a payment of \$527 on or about October 21, 2020, and an outstanding balance of \$2,636. The evidence suggests that she has made payments of about \$500 to \$900 under this settlement. Her next payment of \$236 was due on November 15, 2020. **This debt is being resolved with a payment plan.** (Tr. at 38-39; GE 4 at 2; GE 5 at 3; GE 6 at 2; AE A.)

**SOR ¶ 1.e, Credit-Card Account in the amount of \$3,954.** This account was opened in December 2017 and became delinquent in or about March 2017. It has been transferred

to a collection agency. Applicant testified that she has been paying \$234 per month since May or June 2020 under a payment plan to settle this debt in the amount of \$3,264. She believes that she now owes about \$1,600 on this account. Government Exhibit 6, dated October 22, 2020, reflects a balance due of \$3,690. After the hearing, Applicant provided AE B from the creditor, which reflects a payment of \$235 on October 27, 2020, and an outstanding balance due of \$3,009. **This debt is being resolved with a payment plan.** (Tr. at 39-41; GE 4 at 2; GE 6 at 2; AE Y.)

**SOR ¶ 1.f, Credit-Card Account in the amount of \$3,651.** This account was opened in November 2002 and became delinquent in March 2017. The account has been charged off and transferred to a collection agency. Applicant claims that about two weeks prior to the hearing, she accepted a settlement offer from the creditor in the amount of \$1,700 to be paid in its entirety or in unknown monthly amounts over time. She is waiting to receive confirmation of the terms in the mail. **This debt is not resolved.** (Tr. at 42-43; GE 3 at 5; GE 4 at 2; GE 6 at 5; AE Z.)

**SOR ¶ 1.g, Loan Account in the amount of \$49,431.** This debt is the January 2016 debt-consolidation loan in the amount of \$50,000 that Applicant used to pay off some of her credit cards. She testified that she was experiencing financial difficulties in 2015. She responded to an offer from a commercial lender of a credit-card consolidation loan to pay off her credit cards. The loan terms required that she pay \$800 per month. Applicant testified that the original amount of the loan was only \$35,000. She could not explain how the loan became \$50,000, as the Government's credit report reflects. She defaulted on repaying the loan about one year later. Applicant testified further that she has been repaying this debt for the last two years under a payment plan that requires her to pay \$600 per month for five years for a total amount of \$39,000. She does not know the amount of the current balance of this debt. She testified that she could provide emails after the hearing to show "all the payments." She failed to produce any documentation supporting her testimony regarding a payment plan or her payments thereunder. Government Exhibit 3 lists this debt as reported by Experian. The Government's three more recent credit reports are from Equifax and do not reflect this debt. **Applicant's evidence is insufficient to support a conclusion that this debt is being resolved.** (Tr. at 43-47; GE 3 at 4.)

**SOR ¶ 1.h, Credit-Card Account in the amount of \$3,636.** Applicant opened this account in December 2016. The account became delinquent in March 2017. The creditor charged off the account in September 2017. She testified that she has not paid anything on this account since then. In September 2020 she made an offer to the creditor to resolve this debt with a payment of 30% of the balance. She is waiting to receive a response. She provided no documentary evidence to support her testimony. **This debt has not yet been resolved.** (Tr. at 48-49; GE 3 at 5.)

**SOR ¶ 1.i, Credit-Card Account in the amount of \$3,147.** Applicant opened this account in December 2002. She became delinquent on this account in March 2017. The account was charged off in the amount of \$5,245 and was transferred to a collection agency. Applicant testified that this debt was settled in 2017 or 2018 by her debt-

consolidation company. Government Exhibit 5, dated February 28, 2020, reflects that the debt was paid. **This debt has been resolved.** (Tr. at 64-65; GE 3 at 5; GE 5 at 4; GE 6 at 4.)

In addition to the above debts, Applicant has a credit-card account with a balance of about \$21,856. The credit limit is \$22,100. This account is current. Applicant pays about \$438 per month to keep the account current. She no longer uses her credit cards as she once did. She offered no evidence, however, that she has any credit cards with any unused credit. She admitted she used to shop excessively. Now she controls herself, and her spending has “changed a lot.” In addition to her joint savings account with her husband, she has a 401K retirement account with her employer with about \$154,000 in investments. She was promoted to a supervisory position in 2020 and makes about \$73,000 annually. Her “target” is to pay off her debts in 2021. (Tr. at 8, 55-57, 73-74).

### **Foreign Influence**

Applicant testified that her mother has lived in the United States with Applicant since 2008 and is now a naturalized U.S. citizen. Her mother supports herself with Social Security Supplemental Security Income, or SSI. Applicant also testified that her brother is a laborer in the Philippines and has a wife and children. In the past, Applicant has helped support her brother and his family with cash payments. She has also paid for the cost of educating her nephews and nieces. In the first ten months of 2020, she has given her brother about \$400-\$500. In the past, she has given him and his family as much as \$1,200 in a year. Applicant talks with her brother on the phone about once per week. Applicant last traveled to the Philippines to visit her brother in 2016. She has a close relationship with her brother. (Tr. at 59-63, 75-77.)

### **The Philippines**

The U.S. Department of State warns U.S. citizens to exercise increased caution when traveling to the Philippines due to crime, terrorism, and civil unrest. The State Department advises that there is considerable risk of terrorism in the country. Terrorist organizations and criminal gangs operate throughout the country. Some groups are allied with the Islamic State of Iraq and Al-Sham, also known as ISIS. The organizations and gangs conduct bombing attacks and kidnappings against foreigners, civilians, government institutions, and security forces.

There are significant human rights problems in the Philippines, including unlawful and arbitrary killings by security forces, vigilantes, and insurgents. Other human rights concerns raised by actions of government representatives include forced disappearances, torture, arbitrary detention, harsh and life-threatening prison conditions, political detentions, killings and threats against journalists, official corruption, and abuse of power. Law enforcement agencies are engaged in a nationwide counter-narcotics campaign that has resulted in a sharp increase in violence between police and individuals suspected of involvement in the drug trade.

## Policies

“[N]o one has a ‘right’ to a security clearance.” *Department of the Navy v. Egan*, 484 U.S. 518, 528 (1988). As Commander in Chief, the President has the authority to “control access to information bearing on national security and to determine whether an individual is sufficiently trustworthy to have access to such information.” *Id.* at 527. The President has authorized the Secretary of Defense or his designee to grant applicants eligibility for access to classified information “only upon a finding that it is clearly consistent with the national interest to do so.” Exec. Or. 10865 § 2.

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

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

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

Initially, the Government must establish, by substantial evidence, conditions in the personal or professional history of the applicant that may disqualify the applicant from being eligible for access to classified information. The Government has the burden of establishing controverted facts alleged in the SOR. See *Egan*, 484 U.S. at 531. “Substantial evidence” is “more than a scintilla but less than a preponderance.” See *v. Washington Metro. Area Transit Auth.*, 36 F.3d 375, 380 (4th Cir. 1994). The guidelines presume a nexus or rational connection between proven conduct under any of the criteria listed therein and an applicant’s security suitability. See ISCR Case No. 15-01253 at 3 (App. Bd. Apr. 20, 2016).

Once the Government establishes a disqualifying condition by substantial evidence, the burden shifts to the applicant to rebut, explain, extenuate, or mitigate the facts. Directive ¶ E3.1.15. An applicant has the burden of proving a mitigating condition,

and the burden of disproving it never shifts to the Government. See ISCR Case No. 02-31154 at 5 (App. Bd. Sep. 22, 2005).

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

## **Analysis**

### **Guideline F, Financial Considerations**

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

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

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

Applicant’s admissions in her SOR response and testimony, and the documentary evidence in the record, establish the following disqualifying conditions under this guideline:

AG ¶ 19(a) inability to satisfy debts,

AG ¶ 19(c) a history of not meeting financial obligations, and

AG ¶ 19(e): consistent spending beyond one's means or frivolous or irresponsible spending, which may be indicated by excessive indebtedness, significant negative cash flow, a history of late payments or of non-payment, or other negative financial indicators.

Applicant has had significant financial issues for at least the past three years. She has a history of spending on credit cards beyond her ability to pay her debts. Those facts are sufficient to support the application of the above disqualifying conditions and shift the burden to Applicant to mitigate them.



The guideline in AG ¶ 20 contains seven conditions that could mitigate security concerns arising from financial difficulties. Four of them have possible applicability to the facts of this case:

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; and

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

AG ¶¶ 20(a) is not established. Applicant's behavior is recent and frequent. She currently has unresolved, credit-card debts totaling \$21,708 (SOR ¶¶ 1.a, 1.c, 1.f, and 1.h) and a bank loan of about \$50,000 (SOR ¶ 1.g), for which she provided no documentary evidence of any payments or a payment plan. These debts occurred under circumstances that are likely to recur and cast doubt upon her current reliability, trustworthiness and good judgment.

AG ¶ 20(b) is partially established. Some of her financial problems may have been the result of her husband's temporary loss of income at some point in time. This would be a reason beyond her control. She did not present evidence to show that her defaults on her debts occurred at times when her husband's income was reduced. Even if she had shown that the debts were caused by her husband's temporary loss of income, she has not shown that she acted responsibly under the circumstances by reducing her credit-card spending at such times.

AG ¶ 20(c) is partially established. Applicant sought counseling and assistance from the credit-consolidation company, but terminated the agreement when she learned that the company had made excessive promises it did not keep. In the weeks and months before the hearing, Applicant has made some efforts to resolve two of her debts (SOR ¶¶ 1.d and 1.e), but those efforts are insufficient to demonstrate that her financial problems are being resolved.

AG ¶ 20(d) is not established. The key requirement of this mitigating condition is a showing of a “good-faith effort” to repay creditors. Applicant resolved one debt in good faith through her debt-consolidation company. (SOR ¶ 1.i) Her payment of a debt pursuant to a garnishment (SOR ¶ 1.b), however, does not qualify as being made in good faith because the payments were involuntary. Similarly, Applicant’s last-minute attempts to set up payment plans just before the hearing (SOR ¶¶ 1.d and 1.e) when her application for a security clearance was pending adjudication does not show a good-faith effort to resolve her debts. Applicant offered no explanation why she did not start to resolve her debts shortly after they became delinquent, largely in 2017, or at least after she submitted her SCA in January 2018. Applicant’s most significant debt, her \$50,000 debt-consolidation loan, had no apparent effect of reducing her credit-card debt. Moreover, she claims that she has been paying this debt every month for about two years. When given the opportunity after the hearing to provide documentation to substantiate this claim, she failed to do so, even though she provided documentation (AE A and B) showing recent, small payments on two minor debts (SOR ¶¶ 1.d and 1.e). The absence of supporting documentation on her large loan strongly suggests that Applicant was unable to provide critical evidence to back up her testimony on her most significant debt.

Overall, Applicant has not mitigated security concerns raised by her past misuse of credit cards by taking significant, responsible steps to repay her creditors. Paragraph 1 is found against Applicant.

### **Guideline E, Foreign Influence**

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

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 may be 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.

Applicant’s admissions in her SOR response and testimony, and the documentary evidence in the record, establish the following disqualifying conditions under this guideline:

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;  
and

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.

The guideline in AG ¶ 8 contains six conditions that could mitigate security concerns arising from foreign influence. Three of them have possible applicability to the facts of this case:

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 United States;

AG ¶ 8(b): there is no conflict of interest, either because the individual's sense of loyalty or obligation to the foreign person, or allegiance to the group, government, or country is so minimal, or the individual has such deep and longstanding relationships and loyalties in the United States, 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.

The findings above regarding the country conditions in the Philippines support a conclusion that Applicant's brother in the Philippines creates a heightened risk and raises security concerns. I cannot conclude under AG ¶ 8(a) that it is unlikely that Applicant will be placed in a position of having to choose between the interests of her brother and the interests of the United States. The fact that Applicant's brother is a laborer reduces that risk significantly, but it does not eliminate the risk. AG ¶ 8(a) does not apply.

AG ¶ 8(b) has been fully established. Although Applicant's sense of loyalty and obligation to her brother cannot be characterized as minimal, she has established that she has deep and longstanding relationships and loyalties in the United States. Her husband and three children are U.S. citizens and residents. Both she and her husband work to support the U.S. military and earn a significant combined income. They own a home in the United States, and they raised and educated their children in this country. She has been a U.S. resident since 1998 and a U.S. citizen since 2005. She brought her mother from the Philippines to live with her in the United States in 2008. Her mother is

now a U.S citizen and is supported by U.S. Government benefits. Applicant has a significant investment in her 401K retirement fund. As a result of these deep ties to this country, she can be expected to resolve any conflicts of interest in favor of the U.S. interest. She has mitigated all security concerns raised by her relationship with her brother, a citizen and resident of the Philippines.

AG ¶ 8(c) is not established. Applicant's relationship with her brother is close and she has weekly conversations with him and his family by telephone. These facts do not support a conclusion that those contacts are so casual and infrequent that there is little likelihood that the contact and communications could create a risk of foreign influence or exploitation.

Overall, Applicant's has established that her circumstances fully mitigate security concerns under Guideline B. Paragraph 2 is found for Applicant.

### **Whole-Person Analysis**

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

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

I have incorporated my comments under Guidelines F and B in my whole-person analysis and applied the adjudicative factors in AG ¶ 2(d). Applicant has not established that she has made a good-faith effort to resolve her debts or that future indebtedness is unlikely to recur. She has established that her brother's citizenship and residency in the Philippines does not create a potential for pressure, coercion, or duress. After weighing the applicable disqualifying and mitigating conditions and evaluating all of the evidence in the context of the whole person, I conclude that while Applicant has mitigated security concerns raised by her foreign contacts, she has not mitigated security concerns raised by her indebtedness.

### **Formal Findings**

Paragraph 1, Guideline F:	AGAINST APPLICANT
Subparagraphs 1.a through 1.c:	Against Applicant
Subparagraphs 1.d through 1.e:	For Applicant
Subparagraphs 1.f through 1.h:	Against Applicant
Subparagraph 1.i:	For Applicant
Paragraph 2, Guideline B:	FOR APPLICANT
Subparagraphs 2.a and 2.b:	For Applicant

### **Conclusion**

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

John Bayard Glendon  
Administrative Judge