



DEPARTMENT OF DEFENSE
DEFENSE OFFICE OF HEARINGS AND APPEALS



In the matter of:)
)
 [Redacted]) ISCR Case No. 19-03975
)
 Applicant for Security Clearance)

Appearances

For Government: Raashid Williams, Esq., Department Counsel
For Applicant: *Pro se*

07/12/2021

Decision

FOREMAN, LeRoy F., Administrative Judge:

This case involves security concerns raised under Guideline F (Financial Considerations). Eligibility for access to classified information is granted.

Statement of the Case

Applicant submitted a security clearance application on July 6, 2019. On May 20, 2020, the Defense Counterintelligence and Security Agency Consolidated Adjudications Facility (CAF) sent him a Statement of Reasons (SOR) alleging security concerns under Guideline F. The 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 November 18, 2020, and requested a hearing before an administrative judge. Department Counsel was ready to proceed on January 23, 2021. Scheduling of the hearing was delayed due to the COVID-19 pandemic. The

case was assigned to me on June 2, 2021. On June 14, 2021, I notified Appellant by email that his hearing would be conducted by video teleconference on June 30, 2021. The email notification is attached to the record as Hearing Exhibit (HX) I. I convened the hearing as scheduled. Government Exhibits (GX) 1 through 5 were admitted in evidence without objection. Applicant testified and submitted Applicant's Exhibits (AX) A through L, which were admitted without objection. I kept the record open until July 9, 2021, to enable him to submit additional documentary evidence. He timely submitted one additional page to be added to AX E. The additional page was admitted without objection.

After the hearing adjourned on June 30, 2021, I notified Department Counsel that I intended to issue a summary decision. (HX II.) On July 7, 2021, I notified Applicant that I intended to issue a summary decision. (HX III.) Neither party objected.

The SOR alleged 13 delinquent debts totaling about \$40,344. In Applicant's response to the SOR and at the hearing, he attributed the debts alleged in SOR ¶¶ 1.a-1.i to his drastic income reduction after he and his wife separated. He attributed the debts alleged in SOR ¶¶ 1.j-1.m to unexpected medical bills for his son. His son lives with him, but he receives no child-support payments from his wife. He presented documentary evidence that he had resolved the debts alleged in SOR ¶¶ 1.b and 1.d-1.m, and he was making regular payments on the debts alleged in SOR ¶¶ 1.a (credit-card account charged off for \$25,807) and 1.c (charged-off bill for \$8,184, for excess mileage on a leased vehicle).

Based on the record as a whole, I conclude that Department Counsel presented sufficient evidence to establish the allegations in the SOR. I also conclude that Applicant presented sufficient evidence to explain, extenuate, or mitigate that facts that he admitted or that were proven by the evidence presented by Department Counsel. I conclude that security concerns are mitigated under the Adjudicative Guidelines (AG) ¶ 20(b) (debts due to conditions largely beyond his control and he acted responsibly under the circumstances) and ¶ 20(d) (good-faith effort to pay or resolve debts).

I am satisfied that Applicant's financial problems do not create doubt about his current reliability, trustworthiness, good judgment, and ability to protect classified information. I have weighed the evidence as a whole and have given due consideration to the whole-person concept. I conclude that Applicant has met his burden of showing that it is clearly consistent with the national security interests of the United States to continue his eligibility for access to classified information. Clearance is granted.

LeRoy F. Foreman
Administrative Judge