



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



In the matter of:)
)
) ISCR Case No. 19-02388
)
Applicant for Security Clearance)

Appearances

For Government: Aubrey De Angelis, Esq., Department Counsel
For Applicant: Frederic Nicola, Esq.

July 29, 2021

Decision

TUIDER, Robert, Administrative Judge:

Applicant mitigated security concerns regarding Guideline F (financial considerations). Clearance is granted.

Statement of the Case

On April 10, 2018, Applicant submitted a Questionnaire for National Security Positions (SF-86). On December 13, 2019, the Defense Counterintelligence and Security Agency Consolidated Adjudications Facility (CAF) issued a Statement of Reasons (SOR) to Applicant detailing security concerns under Guideline F. The SOR detailed reasons why the CAF was unable to find that it is clearly consistent with the national interest to grant or continue a security clearance for Applicant. On January 10, 2020, Applicant submitted his Answer to the SOR.

On October 6, 2020, the Defense Office of Hearings and Appeals (DOHA) assigned the case to another administrative judge. On December 17, 2020, DOHA reassigned the case to me. On October 29, 2020, DOHA issued a notice of hearing scheduling the hearing for January 11, 2021. I convened the hearing as scheduled. I

admitted Government Exhibits (GE) 1 through 6 without objection, and admitted Applicant Exhibits (AE) A through H without objection. Applicant testified and called one witness to testify on his behalf. I held the record open until January 29, 2021, to afford both parties an opportunity to submit additional evidence. Post-hearing, I admitted GE 7 without objection, and admitted AE G through I without objection. On January 28, 2021, DOHA received the hearing transcript (Tr.).

Findings of Fact

Applicant admitted SOR ¶¶ 1.a – 1.e, with explanations. I adopt Applicant's admissions as findings of fact. Additional findings of fact follow.

Background Information

Applicant is a 47-year-old lead systems engineer for integration and test, who has been employed by a defense contractor since November 2020. Before that, he was working as a subcontractor for the same employer. He currently has a Secret security clearance; however, he seeks to reinstate a Top Secret security clearance he held until recently. He is required to have a Secret security clearance to maintain his current position. (Tr. 22-24; GE 1, GE 2)

Applicant graduated from high school in June 1992. He was awarded a bachelor of arts degree in history in May 1996. He is "halfway" towards completion of a master of business administration degree. (GE 1; Tr. 24-25) He served in the U.S. Army from September 1999 to July 2010, and received a general discharge under honorable conditions. The Army Review Board ordered that Applicant be separated from the Army for misconduct after determining that he had engaged in an adulterous affair. Applicant was a scout pilot (military occupational specialty 152DI), and held the rank of chief warrant officer 3 at the time of his separation. (Tr. 25-26) He has a 100% Veterans Affairs (VA) disability rating based on severe nerve damage in his lower back and lower neck following two helicopter crashes, and he suffers from post-traumatic stress disorder (Tr. 60; GE 2; AE I)

Applicant has been married five times, with his first four marriages ending by divorce. He married his current spouse in March 2017, and she is not employed outside the home. He has two biological children, an adult son and a minor daughter, from previous marriages. Applicant pays \$600 per month in child support for his adult son. His minor daughter resides with him, as well as a minor stepdaughter. (Tr. 27-29; GE 1, GE 2)

Financial Considerations

Applicant's SOR lists five allegations, one Chapter 7 bankruptcy filed in August 2011 and discharged in February 2012, and four delinquent debts totaling \$76,491. The allegations are established by his April 10, 2018 SF-86; his September 25, 2019 and October 21, 2019 DOHA Interrogatories; his January 10, 2020 SOR Answer; and his May 26, 2018, June 25, 2019, October 21, 2019, and January 10, 2021 credit reports.

(GE 1-7; SOR Answer) Applicant attributes his financial difficulties to a well-documented very contentious divorce from his fourth wife. (Tr. 59; GE 2)

The following is a summary of Applicant's SOR allegations to include his Chapter 7 bankruptcy, four debts, and their status:

SOR ¶ 1.a – Chapter 7 bankruptcy, filed in August 2011 and discharged in February 2012. Applicant filed Chapter 7, while married to his fourth wife. He had incurred debt while married to his third wife, and his fourth wife at the time told him it “would be an easy way to get out of the financial responsibility.” He was married to his fourth wife from August 2010 to December 2015. The fallout from that marriage is discussed below. He added that he regrets having filed bankruptcy and accepts full responsibility for filing. Applicant said his bankruptcy debt, “was pretty much about credit cards and a boat.” He owed approximately \$100,000 on the boat and \$20,000 in credit card debt. He estimated the value of his boat was only \$30,000 because the boat market had “tanked” in 2011. The amount of debt discharged by bankruptcy was approximately \$150,000. Additionally, after the Army discharged him in 2010, he took a job in his current state of residence, which was different from the boat's location, and he could not afford to move the boat. (Tr. 31-37; GE 1, GE 2)

SOR ¶ 1.b – Charged-off Harley Davidson motorcycle account in the amount of \$14,453. Applicant and his fourth wife bought the motorcycle together in December 2012. On March 14, 2015, Applicant was involved in an accident with the motorcycle. Applicant took the motorcycle to a body shop for a repair estimate. He received payment of \$8,493 from his insurance company to repair the motorcycle. On April 16, 2015, Applicant went to the body shop with the insurance check where his wife met him and confronted him. Applicant described what happened, “Long story short, basically, (then wife) punched me in the face and then took a wrench to the motorcycle.” After this incident, Applicant did not pay the body shop after his wife “destroyed that motorcycle” in the body shop. Applicant reported the incident to the police. The body shop refused to return the motorcycle to Applicant. Applicant understands that the body shop owner removed the engine from his motorcycle to replace the engine in his motorcycle. (Tr. 37-41, 64-68; GE 2)

This account had its “first major delinquency on October 1, 2015.” Applicant stopped making payments on the motorcycle because his then wife “wrecked it beyond belief to where [he] couldn't do anything with it.” Numerous photographs in the record document the motorcycle damage. Applicant added that he gave her the house, the car, and the motorcycle when they separated. The insurance company informed Applicant that they would not cover the intentional damage his wife caused to the motorcycle. When Applicant and his then wife separated, he agreed to continue making the motorcycle payments; however, after she damaged the motorcycle, he ceased making those payments. Applicant deposited the insurance check into his account. Today he regrets that he stopped making payments on the motorcycle and if he had to do over again, he would have worked out an arrangement with Harley Davidson. Applicant stated after the account was charged off, he “did not know the right way to go.” In his September 25, 2019 Response to DOHA Interrogatories, he stated that he began

making \$50 monthly payments to Harley Davidson in September 2019 because his employer security personnel at the time suggested that he begin making \$50 payments to Harley Davidson to show good faith. He made his last \$50 payment to Harley Davidson in February 2020. Per Applicant's August 8, 2020 credit report, Harley Davidson wrote off the unpaid balance as a loss by credit grantor and charged off the account to profit and loss. He has "no idea where the motorcycle is." (SOR Answer; Tr. 38-43; 67-70, 78-81, 83; GE 2, GE 4; AE B)

Post-hearing, Applicant submitted through counsel an affidavit wherein he stated that he contacted Harley Davidson by telephone on January 12, 2021. Before that, he believed his account was settled as it was "charged off" based on his credit report, and Harley Davidson made no further attempts to contact him. Harley Davidson informed him during that telephone call that his account was still open, and they were seeking payment. Harley Davidson agreed to settle the account for the lesser amount of \$7,250, which Applicant paid. Applicant provided documentation that that he remitted payment to Harley Davidson on January 20, 2021. (Tr. 85-86; GE 2; AE B, AE G) **Debt resolved.**

SOR ¶ 1.c – Delinquent account for repossessed Dodge Caravan automobile in the amount \$14,890. Applicant and his fourth wife jointly purchased this vehicle. When they separated, his wife requested that she be allowed to have the vehicle because she had three of her own children in addition to their minor daughter. Applicant agreed, and they made an informal agreement that she could keep the vehicle with the understanding that she would make the \$400 monthly payments. She failed to make the payments as agreed, and the vehicle was repossessed. Applicant did not have access to the vehicle, and he stated had he known the account was delinquent, he would have made the payments on it. (Tr. 43-47; GE 2)

When Applicant and his wife were together, they were both responsible for making the payments on the Dodge. Applicant made the monthly payment on the vehicle until April 2015, and he later made \$50 monthly payments from September 2019 to March 2020. (Tr. 70-72; GE 2) Applicant's August 9, 2020 credit report states, "ACCOUNT LEGALLY PAID IN FULL FOR LESS THAN THE FULL BALANCE; ACCOUNT PAID IN FULL; DATE FIRST MAJOR DELINQUENCY REPORTED 10/01/2015. UNPAID BALANCE REPORTED AS A LOSS BY CREDIT GRANTOR; ACCOUNT PAID FOR LESS THAN FULL BALANCE; SETTLEMENT ACCEPTED ON THIS ACCOUNT; DISPUTE RESOLVED-CONSUMER DISAGREES; PAID CHARGE OFF." (Tr. 78-80, 83-84, 85-86; GE 2, GE 4; AE B)

Post-hearing, Applicant submitted through counsel an affidavit wherein he stated that he initially believed this account had been settled based on his credit report. However, on further investigation, he discovered that the creditor sent him a Form 1099-C. Applicant submitted a copy of his 2019 IRS Wage and Income Tax Transcript, which lists cancellation of this debt in the amount of \$14,790 (Form 1099-C) as income on his federal income tax return. Also attached was a receipt dated September 4, 2019, for payment of his taxes for tax year 2019. (GE 2; AE H) **Debt resolved.**

SOR ¶ 1.d – **Delinquent home mortgage account with a deficiency balance of \$45,980.** Applicant and his fourth wife jointly purchased this house in June 2014. When Applicant and his wife separated in March 2015, they agreed that she and the children would remain in the home with the understanding that she would make the \$1,750 monthly mortgage payment with the \$5,000 monthly child support and alimony he was paying her by allotment. She failed to make the payments as agreed. Applicant stated that the family law judge who heard their case told his wife that she should sell the house if she was not going to make the mortgage payments. Applicant's wife refused to cooperate in showing the house and managed to remain in the house for about three years until she was evicted. (GE 2; Tr. 47-50)

Applicant made the house payments through April 2015. He informed his wife after paying her \$5,000 in monthly spousal and child support, he did not have the money to continue making the house payments. After he made the April 2015 mortgage payment, Applicant stated that his wife verbally agreed to make the house payments thereafter. Applicant's attorney did not itemize the marital debt in their divorce decree leaving the debts in question "still open." (GE 2; Tr. 50-53)

Applicant stated that the family law judge told his wife that she could stay in the home if she could get a loan. She was unable to get a loan and filed bankruptcy "four or five times" to extend her stay in the home without paying. Per the December 23, 2015 family court minutes, the Court found that there was "urgency" to sell the house. Applicant was to choose a realtor by January 11, 2016. Applicant complied with the court order; however, his wife refused to let the realtor in the house. Failing that, the Court ordered Applicant to pay the house payment out of spousal support and give the remainder to his wife. Applicant did not do that and "ended up giving her all of the money." The house was foreclosed on June 23, 2017, and sold on December 21, 2017. (Tr. 72-75, 79-80)

Applicant's August 9, 2020 credit report states, "FORECLOSURE, COLLATERAL SOLD; ACCOUNT DELINQUENT 180 DAYS PAST DUE; DATE FIRST MAJOR DELINQUENCY REPORTED: 05/01/2020; CREDIT GRANTOR RECLAIMED COLLATERAL TO SETTLE DEFAULTED MORTGAGE; . . ." (Tr. 80-82; AE B) In Applicant's state of residence, lenders are not allowed to pursue deficiency judgments following nonjudicial foreclosures. Hence, the debt is considered to be satisfied by operation of law. (GE 2; Tr. 79-80, 82) **Debt resolved.**

SOR ¶ 1.e – **Collection account for a cell phone in the amount of \$1,168.** Applicant stated that his fourth wife "took all the phones that [she] and I had purchased." She had agreed to place the cell phone accounts in her name and make the payments on those phones. She failed to follow through on her commitment, and the creditor turned to the Applicant for payment. He settled, and paid the account for the lesser amount of \$292. Applicant submitted documentation from the creditor that he paid this amount on December 31, 2019. (SOR Answer; GE 2; Tr. 53-54) **Debt resolved.**

Applicant stated that he stopped paying his joint debts that accrued during his fourth marriage because his former wife was “getting over” by “getting basically [his] entire paycheck.” (Tr. 75)

During his hearing, Applicant discussed his assets and expenses. Post-hearing, he submitted a budget that corroborated that he maintains a modest lifestyle and lives within his means. According to Applicant’s budget, his joint annual income is \$143,232. His total monthly joint income is \$11,936 (non-taxable VA disability payment of \$3,736, joint income of \$6,800, wife’s child support of \$1,400) and after paying all of his bills, he has a net monthly remainder of \$4,542. (Tr. 58-59, 61; AE B, AE C, AE I) Applicant is current on his child support payments to his former spouse. (Tr. 62; AE I)

Since remarrying, Applicant has not experienced any of the financial issues that he experienced during his fourth marriage. (Tr. 59) His credit has improved to the point where he was able to qualify for a home loan of \$340,600 in 2020. To avoid making the mistakes he made while married to his fourth wife, Applicant has the house, his car, and his motorcycle loans in his name, and the loan for his wife’s car is in her name. (Tr. 75, 78; AE A) His January 10, 2021 credit report does not reflect any past-due accounts. (GE 7)

Character Evidence

A co-worker, employed as a field services representative (FSR), with the same company as Applicant, testified on his behalf. FSR has been employed since June 2019 and holds a security clearance. FSR maintains a close working relationship with Applicant and interacts with him on a daily basis. He described Applicant as a good worker, leader, and mentor, as well as being trustworthy. FSR has no reason to believe that Applicant would be a security risk. (Tr. 14-21) Applicant submitted two character letters, from a retired U.S. Army sergeant first class (SFC) and from his current wife. SFC has known Applicant for 13 years. He lauded Applicant’s dedication as a husband, father, and employee. He attested to Applicant’s trustworthiness and willingness to help those in need within his community. Applicant’s wife has known him for over six years and described him as her best friend. She spoke in glowing terms of his dedication as a spouse, father, stepfather, and provider. His wife also reiterated what SFC said regarding his trustworthiness and willingness to help those in the community. (AE G, AE H)

While on active duty, Applicant was awarded the Afghanistan Campaign Medal with Campaign Star; Air Medal; Army Commendation Medal (2nd Award); Army Achievement Medal; USA/USAF Presidential Unit Citation; Valorous Unit Medal; Army Good Conduct Medal; National Defense Service Medal; Global War on Terrorism Expeditionary Medal; Global War on Terrorism Service Ribbon (2nd Award); Combat Action Badge; USA Aviator Badge; and Basic Marksmanship Qualification Badge. He served in a designated imminent danger pay area for service: (1) in Iraq from March 2007 to July 2008; (2) in Iraq from July 2003 to July 2004; and (3) in Afghanistan from November 2009 to July 2010. (Tr. 61; GE 2; AE D, AE E) Applicant is no longer able to fly helicopters due to back injuries received on active duty. (Tr. 61-62)

Applicant submitted a signed Classified Information Nondisclosure Agreement between himself and the United States dated December 10, 2020. He signed that agreement when he received his Top Secret security clearance. He takes his obligations to protect classified information seriously and intends to uphold his obligation to the United States. Applicant has never had a security violation in 21 years. (Tr. 62-64; AE F) Apart from an incident and adulterous behavior that led up to his administrative separation from the Army with a general discharge under honorable conditions in July 2010, his service record documented an otherwise stellar and honorable career. (GE 1, GE 2, GE 3)

Policies

This case is adjudicated under Executive Order (EO) 10865, *Safeguarding Classified Information within Industry* (February 20, 1960), as amended; DOD Directive 5220.6, *Defense Industrial Personnel Security Clearance Review Program* (January 2, 1992), as amended (Directive); and the adjudicative guidelines (AG), which became effective on June 8, 2017.

When evaluating an applicant's suitability for a security clearance, the administrative judge must consider the adjudicative guidelines. In addition to brief introductory explanations for each guideline, the adjudicative guidelines list potentially disqualifying conditions and mitigating conditions, which are to be used in evaluating an applicant's eligibility for access to classified information.

These guidelines are not inflexible rules of law. Instead, recognizing the complexities of human behavior, administrative judges apply the guidelines in conjunction with the factors listed in AG ¶ 2 describing the adjudicative process. The administrative judge's overarching adjudicative goal is a fair, impartial, and commonsense decision. According to AG ¶ 2(a), the entire process is a conscientious scrutiny of a number of variables known as the "whole-person concept." The administrative judge must consider all available, reliable information about the person, past and present, favorable and unfavorable, in making a decision.

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

Under Directive ¶ E3.1.14, the Government must present evidence to establish controverted facts alleged in the SOR. Under Directive ¶ E3.1.15, the applicant is responsible for presenting "witnesses and other evidence to rebut, explain, extenuate, or mitigate facts admitted by the applicant or proven by Department Counsel." The applicant has the ultimate burden of persuasion to obtain a favorable clearance decision.

A person who seeks access to classified information enters into a fiduciary relationship with the Government predicated upon trust and confidence. This relationship transcends normal duty hours and endures throughout off-duty hours. The Government reposes a high degree of trust and confidence in individuals to whom it

grants access to classified information. Decisions include, by necessity, consideration of the possible risk the applicant may deliberately or inadvertently fail to safeguard classified information. Such decisions entail a certain degree of legally permissible extrapolation of potential, rather than actual, risk of compromise of classified information.

Section 7 of EO 10865 provides that adverse decisions shall be “in terms of the national interest and shall in no sense be a determination as to the loyalty of the applicant concerned.” See *also* EO 12968, Section 3.1(b) (listing multiple prerequisites for access to classified or sensitive information).

Analysis

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. Financial distress can also be caused or exacerbated by, and thus can be a possible indicator of, other issues of personnel security concern such as excessive gambling, mental health conditions, substance misuse, or alcohol abuse or dependence. An individual who is financially overextended is at greater risk of having to engage in illegal or otherwise questionable acts to generate funds. Affluence that cannot be explained by known sources of income is also a security concern insofar as it may result from criminal activity, including espionage.

AG ¶ 19 provides two disqualifying conditions that could raise a security concern and may be disqualifying in this case:

- (a) inability to satisfy debts; and
- (c) a history of not meeting financial obligations.

Applicant filed Chapter 7 bankruptcy in August 2011, and received a discharge in February 2012. He subsequently accrued four delinquent debts totaling \$76,491. The record evidence establishes concerns under AG ¶¶ 19(a) and 19(c). Further review is necessary.

AG ¶ 20 lists five potential mitigating conditions:

- (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.

The 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).

ISCR Case No. 10-04641 at 4 (App. Bd. Sep. 24, 2013).

Applicant's conduct does not warrant full application of AG ¶ 20(a) because there is more than one delinquent debt and his financial problems are not isolated. His debt remains a "continuing course of conduct" under the Appeal Board's jurisprudence. See ISCR Case No. 07-11814 at 3 (App. Bd. Aug. 29, 2008) (citing ISCR Case No. 01-03695 (App. Bd. Oct. 16, 2002)).

AG ¶ 20(b) and 20(d) are partially applicable. Applicant had a contentious and acrimonious divorce from his fourth wife, a divorce that is thoroughly documented by record evidence. Applicant eventually resolved all four of his SOR debts His ten-year-

old Chapter 7 bankruptcy is of limited security significance given the time elapsed and circumstances that led to it. However, Applicant does not receive full credit under either of these two mitigating conditions because of his failure to act responsibly under the circumstances and the time elapsed before addressing these four debts.

Admittedly, Applicant's divorce placed him in a very difficult position after he separated from his fourth wife in March 2015. He had agreed to give her the house, car, motorcycle, and cell phones. His wife was supposed to make the house, car, and motorcycle payments out of his monthly \$5,000 spousal and child support payments. She failed to do so. One month after separating in April 2015, she assaulted him and seriously damaged their motorcycle at the body shop. During and after this time, the communication between the couple was toxic and minimal at best. However, when it came to Applicant's attention that his wife was not making payments, he failed to take corrective action and make the payments as a party legally responsible for doing so, or at a minimum contact the creditors, and explain the situation. The family court judge had ordered Applicant to make the house payments and withhold that amount from his monthly support payments. Applicant failed to obey the family court judge. Applicant acknowledges that he made some poor decisions.

With that said, Applicant divorced his fourth wife, remarried, and his situation appears stable. All of the delinquent SOR accounts have been resolved. His reticence for not stepping up as a legally responsible party was further compounded by confusion regarding the status of the debts in question and his obligation to pay them. Time and applicable state law led to the resolution of the delinquent mortgage being satisfied by foreclosure and subsequent proceeds from the sale. The Dodge Caravan lender issued Applicant a Form 1099-C, which he filed with his 2019 federal income tax return. The Harley Davidson and cell phone accounts were settled for lesser amounts January 2021 and December 2019, respectively, and have been resolved. I considered all of the circumstances involved in the resolution of Applicant's debts, including his lapses in debt resolution, and not simply that the creditors elected not to pursue Applicant for full payment or that ultimately all debts are now resolved or current. See ISCR Case No. 20-01004 at 3 (App. Bd. June 28, 2021). AG ¶¶ 20(c) and 20(e) are not applicable.

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.

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. AG ¶ 2(c). The discussion in the Analysis section under Guideline F is incorporated in this whole-person section. However, further comments are warranted.

Applicant is a 47-year-old lead systems engineer for integration and test employed by a defense contractor since November 2020. Both the mitigating conditions under Guideline F and the whole-person analysis support a favorable decision. Applicant's years of service in the U.S. Army and employment as a defense contractor while successfully holding a clearance weigh in his favor. He is a law-abiding citizen and a productive member of society. He is current on his day-to-day expenses, lives within his means, and his SOR debts have been resolved. He has provided evidence of being a productive, loyal, and responsible employee. He is a devoted father and stepfather and is current on all of his monthly expenses. Applicant understands what he needs to do to establish and maintain his financial responsibility. He has regained his financial footing to the point where he recently qualified for a \$340,600 home loan.

Applicant has also contributed more than many applicants to the service of his country as evidenced by his 11 years of active duty, which included three tours in an imminent danger pay area for two tours in Iraq and one tour in Afghanistan. Of note, he was awarded an Air Medal and two Army Commendation Medals, as well as a number of other medals. The VA has also awarded him a 100% disability rating for post traumatic stress disorder and serious injuries he sustained after two helicopter crashes. In addition, a contentious and acrimonious divorce, especially where children are involved, is likely to cloud one's judgment. Applicant is no exception. At age 47, Applicant appears to have regained his footing after his Army service and four failed marriages.

I take this position based on the law, as set forth in *Department of Navy v. Egan*, 484 U.S. 518 (1988), my careful consideration of the whole-person factors and supporting evidence, my application of the pertinent factors under the adjudicative process, and my interpretation of my responsibilities under the adjudicative guidelines.

Formal Findings

The formal findings on the allegations set forth in the SOR are as follows:

Paragraph 1, Guideline F:	FOR APPLICANT
Subparagraphs 1.a – 1.e:	For Applicant

Conclusion

In light of all of the record as a whole, it is clearly consistent with the national interest to continue Applicant's security clearance. National security eligibility is granted.

ROBERT TUIDER
Administrative Judge