



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



In the matter of:)	
)	
)	ADP Case No. 20-02588
)	
Applicant for Public Trust Position)	

Appearances

For Government: Andrew H. Henderson, Esq., Department Counsel
For Applicant: *Pro se*

07/12/2021

Decision

MATCHINSKI, Elizabeth M., Administrative Judge:

Applicant incurred delinquent debts because of an unexpected layoff. As of November 2020, he owed approximately \$40,000 on accounts that had been charged off or placed in collection status. He failed to show sufficient progress toward resolving his past-due debts. Eligibility for a public trust position is denied.

Statement of the Case

On November 20, 2020, the Defense Counterintelligence and Security Agency Consolidated Adjudications Facility (DCSA CAF) issued a Statement of Reasons (SOR) to Applicant, detailing trustworthiness concerns under Guideline F, financial considerations. The SOR explained why the DCSA CAF was unable to find it clearly consistent with the national interest to grant or continue eligibility for a public trust position for him. The DCSA CAF took the action under Executive Order (EO) 10865, *Safeguarding Classified Information within Industry* (February 20, 1960), as amended; Department of Defense (DOD) Directive 5220.6, *Defense Industrial Personnel Security Clearance Review Program* (January 2, 1992), as amended (Directive); and the *National Security Adjudicative Guidelines for Determining Eligibility for Access to Classified Information or Eligibility to*

Hold a Sensitive Position (AG) effective within the DOD on June 8, 2017, applicable to all adjudications for national security eligibility or eligibility to hold a sensitive position.

In a document dated November 23, 2020, which was notarized the following day, Applicant responded to the SOR allegations and requested a decision on the written record in lieu of a hearing before a Defense Office of Hearings and Appeals (DOHA) administrative judge. On January 4, 2021, the Government submitted a File of Relevant Material (FORM) consisting of a statement of the Government's position and six documents (Items). The SOR and Applicant's SOR response were included as Item 1. DOHA forwarded a copy of the FORM to Applicant on January 12, 2021, and instructed him that any response was due within 30 days of receipt. Applicant received the FORM on February 27, 2021. He responded to the FORM on March 3, 2021. On March 30, 2021, the Government indicated it had no objections to Applicant's FORM response.

On May 17, 2021, the case was assigned to me to determine whether it is clearly consistent national security to grant or continue a public trust position for Applicant. I received the case file on May 24, 2021.

Evidentiary Rulings

Department Counsel submitted as Item 3 in the FORM a summary report of a personal subject interview (PSI) of Applicant conducted on February 27, 2019, by an authorized investigator for the Office of Personnel Management (OPM). The summary report was included in a DOD report of investigation (ROI) in Applicant's case. Under ¶ E3.1.20 of the Directive, a DOD personal background ROI may be received in evidence and considered with an authenticating witness, provided it is otherwise admissible under the Federal Rules of Evidence. The summary report did not bear the authentication required for admissibility under ¶ E3.1.20.

In ISCR Case No. 16-03126 decided on January 24, 2018, the DOHA Appeal Board held that it was not error for an administrative judge to admit and consider a summary of a PSI where the applicant was placed on notice of his or her opportunity to object to consideration of the summary; the applicant filed no objection to it; and there is no indication that the summary contained inaccurate information. In this case, Applicant was provided a copy of the FORM and advised of his opportunity to submit objections or material that he wanted the administrative judge to consider. In the FORM, Applicant's attention was directed to the following notice regarding Item 3:

Also, please note that the attached summary of your Personal Subject Interview (PSI) – labeled as Enclosure 3 – is being provided to the Administrative Judge for consideration as part of the record evidence in this case. In your response to this [FORM], you can comment on whether [the] PSI summary accurately reflects the information you provided to the authorized OPM investigator(s) and you can make any corrections, additions, deletions, and updates necessary to make the summary clear and accurate. Alternatively, you can object on the ground that the report is unauthenticated

by a Government witness. If no objections are raised in your response to this FORM, or if you do not respond to the FORM, the Administrative Judge may determine that you have waived any objections to the admissibility of the summary and may consider it as evidence in your case.

Concerning whether Applicant understood the meaning of authentication or the legal consequences of waiver, Applicant's *pro se* status does not confer any due process rights or protections beyond those afforded him if he was represented by legal counsel. *Pro se* applicants are not expected to act like lawyers, but they are expected to take timely and reasonable steps to protect their rights under the Directive. ISCR Case No. 12-10810 at 2 (App. Bd. Jul. 12, 2016). See ADP Case No. 17-03252 (App. Bd. Aug. 13, 2018) (holding that it was reasonable for the administrative judge to conclude that any objection had been waived by an applicant's failure to object after being notified of the right to object).

Applicant was advised in ¶ E3.1.4 of the Directive that he may request a hearing. In ¶ E3.1.15, he was advised that he is responsible for presenting evidence to rebut, explain, or mitigate facts admitted by him or proven by Department Counsel and that he has the ultimate burden of persuasion as to obtaining a favorable clearance decision. While the Directive does not specifically provide for a waiver of the authentication requirement, Applicant was placed on sufficient notice of his opportunity to object to the admissibility of the interview summary report, to comment on the interview summary, and to make any corrections, deletions, or updates to the information in the report. In his FORM response, Applicant objected to any inference that he would not do what is right with regard to protecting national security, and stated, "To address the Adjudicative Guidelines of judging a person's 'life history' based on a financial setback that is getting corrected is a grandiose form of misjudgment." He did not indicate that the PSI summary reflected other than what he had said. To the contrary, he stated that he may not have provided accurate information in some aspects. Furthermore, Government officials are entitled to a presumption of regularity in the discharge of their official responsibilities. See, e.g., ISCR Case No. 15-07539 (App. Bd. Oct. 18, 2018).

Applicant can reasonably be held to have read the PSI summary, and there is no evidence that he failed to understand his obligation to file any objections to the summary if he did not want the administrative judge to consider it. Accordingly, I find that Applicant waived any objections to the PSI summary. Item 1 is incorporated into the record as the pleadings. Items 2 through 6, including the PSI summary as Item 3, are accepted as evidentiary exhibits subject to issues of relevance and materiality in light of the entire record. Applicant's FORM response is accepted into the record as Applicant exhibit (AE) A.

Summary of SOR Allegations

The SOR alleges under Guideline F that, as of the November 20, 2020 SOR, Applicant owed charged-off debts of \$17,983 (SOR ¶ 1.a); \$6,632 (SOR ¶ 1.b); \$5,577 (SOR ¶ 1.c); \$4,956 (SOR ¶ 1.d); \$2,844 (SOR ¶ 1.e); \$1,993 (SOR ¶ 1.f); and \$576 (SOR ¶ 1.g); and a \$516 collection debt (SOR ¶ 1.h). When Applicant answered the SOR

allegations, he admitted the debts. He explained that they became delinquent because of a job layoff, and his income over the next three years was insufficient to repay them. (Item 1.)

Findings of Fact

After considering the FORM, which includes Applicant's Answer to the SOR (Item 1), and his FORM response (AE A), I make the following findings of fact.

Applicant is a 60-year-old computer-based training specialist. As of March 2021, he was with a company contracted to provide support regarding a DOD health information program. (Item 2; AE A.) He and his spouse have been married since October 1982, and they have a 33-year-old son and a 36-year-old daughter. (Item 3.)

Applicant was a member of the Army National Guard from approximately November 1979 to May 1983. He then entered on active duty in the U.S. Air Force and served honorably until he retired in February 2003. He earned an associate's degree in 1989, and a bachelor's degree in February 2004. He has taken a couple of classes toward a master's degree. (Items 2-3.)

Applicant was employed as a business analyst in the commercial sector from June 2008 to June 2009, when he was laid off. From June 2009 to November 2010, he worked as a GS-11 step 3 trainer of a computer-based information system at an Army hospital. He built accounts allowing for the access of government medical records. (Item 2; AE A.) He resigned in November 2010 to work on a contract basis as a clinical application analyst for a medical company. He was guaranteed 40-hour work weeks at \$80 per hour plus \$100 per diem in travel reimbursements. When the contract ended a year later, he gained full-time employment in November 2011 at an annual salary of \$87,000 as a trainer for a healthcare system, which meant a relocation for him and his family. Applicant initially rented in his new location. A year later, he and his spouse paid off their old mortgage, which they had acquired in August 2006 for \$130,000. (Item 4.) In November 2013, they bought a home. (Item 2; AE A.) Applicant's November 2018 credit report shows that, in November 2013, they obtained a joint 30-year conventional mortgage of \$356,000, to be repaid at approximately \$2,333 a month. They fell behind 30 days on their loan in April 2016 but were otherwise current in their monthly payments. (Items 4-5.)

In November 2016, Applicant lost his job of five years in a layoff. During his unemployment from November 2016 to August 2017 (Items 2-3), he received unemployment compensation. (Item 3.) He also had his military retirement income. (AE A.) He and his spouse remained current on their mortgage loan. (Item 4.) Applicant indicated in response to the FORM that, at the time, he feared that he could no longer afford the monthly payments of "around \$730 a month" for a new 2017 model-year truck, so he sold the truck. With the equity from the sale, Applicant purchased a used 2005 model-year truck with much lower payments. (AE A.) Available credit reports (Items 4-6) do not reflect a sizeable automobile loan obtained in 2016 or 2017 for a new truck. They show a vehicle loan obtained for \$12,400 in November 2016, which could be for the 2005 model-year

truck. He had just paid off a \$35,092 vehicle loan obtained in April 2014 for \$35,092, but that could not have been for a 2017 model-year vehicle. (Item 4.)

In August 2017, Applicant began working as a trainer for another medical company. In December 2017, Applicant was “let go” when his then employer mistook his application for another position within the company as a resignation. (Item 2.) Applicant was unemployed until November 2018, when he began working out of his home as a full-time computer-based training content developer for a defense contractor. (Item 3.)

On November 8, 2018, Applicant completed and certified to the accuracy of a Questionnaire for National Security Positions (SF 86). In response to inquiries concerning delinquency involving routine accounts in the last seven years, he listed a charged-off debt for \$500 with a sporting goods retailer. He disclosed no other past-due debts, but stated under a section for additional comments, “My credit is not what it ever has been. It is very bad because I could not secure a job. I now have a job and the means to rectify all my shortcomings with my credit.” (Item 2.)

As of November 24, 2018, Applicant’s credit record showed that, between August 2017 and December 2017, he stopped paying on some credit-card accounts that were subsequently charged off or placed for collection for \$17,983 (SOR ¶ 1.a); \$6,632 (SOR ¶ 1.b); \$2,844 (SOR ¶ 1.e); \$1,993 (SOR ¶ 1.f); \$1,352 (not alleged); \$576 (SOR ¶ 1.g); and \$516 (SOR ¶ 1.h). A credit-card account opened in April 2016 had been charged off in April 2018 for \$7,880 (not alleged). Applicant was 90 days past due on a credit-card account with a \$5,276 balance (SOR ¶ 1.c). He was 60 days past due on a credit-card account with a \$4,436 balance (SOR ¶ 1.d). The first major delinquency on that account was in March 2019. He was 30 days past due on a credit-card account with a \$6,836 balance (not alleged) as of November 2018. He and his spouse were timely in their mortgage payments on their loan balance of \$319,735. He was also making timely payments of \$284 per month on the vehicle loan acquired in November 2016. (Item 4.)

On February 27, 2019, Applicant was interviewed by the OPM investigator. When asked about his finances, Applicant related that he had defaulted on six credit-card debts, but he did not think they had been charged off. When confronted about specific debts, Applicant stated that his financial situation had improved and was good. He recognized the debts in the SOR, except for the debt in SOR ¶ 1.b, and expressed a willingness to pay his debts that were delinquent. He cited lack of work from December 2017 to November 2018 as the reason for his past-due balances, and added that he had made some progress toward addressing his debts by paying off a \$3,500 personal loan. He was given an opportunity by the OPM investigator to provide documentation about his delinquencies during and after his PSI. There is no evidence that he submitted any documentation. (Item 3.)

As of May 3, 2019, Applicant had made no progress toward resolving his delinquent debts. To the contrary, the credit-card account in SOR ¶ 1.d, which had been 60 days past due only months before, had been charged off for \$4,956. His creditors were reporting charged-off balances of \$17,983 (SOR ¶ 1.a); \$7,880 (not alleged); \$6,632 (SOR ¶ 1.b);

\$5,577 (SOR ¶ 1.c); \$2,844 (SOR ¶ 1.e); \$1,993 (SOR ¶ 1.f); \$1,352 (not alleged); and \$576 (SOR ¶ 1.g). A \$516 debt was in collection status (SOR ¶ 1.h). (Item 5.) In June 2019, the creditor owed the debt in SOR ¶ 1.c placed a \$5,495 balance for collection. (Item 6.)

In February 2019, Applicant obtained a vehicle loan for \$13,025. In July 2019, he obtained a \$14,386 loan from a motorcycle retailer. In November 2019, he and his spouse sold their home and paid off their mortgage loan balance of \$310,502. (Item 6.) It is unclear how much they received for their house, but they took the equity and paid off the motorcycle loan in November 2019. Applicant also paid off his two vehicle loans acquired in November 2016 and February 2019 with final payments of \$5,958 and \$12,243 in November 2019. (Item 6.)

Applicant was issued an SOR on November 20, 2020. In response, Applicant stated that, in addition to having sold a truck to reduce their debts, they sold their home, which gave them the funds to pay off some debts that had not been charged off. Two creditors, who had been owed charged-off balances of \$7,880 and \$1,352 (not alleged in SOR), allowed him to settle those debts. (Items 1, 6.) Applicant explained that he had secured new employment and had relocated for the income to meet his financial obligations and save for the future. He stated that his military retirement income was sufficient to cover the costs for his residence. (Item 1.) He provided no details about his retirement income or any deductions from that income.

As of January 4, 2021, Equifax was reporting that Applicant and his spouse had obtained a 30-year mortgage loan for \$181,041 with a repayment term of \$1,354 per month. They were making those mortgage payments on time. Applicant was also making timely payments on a credit-card account opened in July 2020 with a \$1,200 credit limit. However, he had made no payments toward the delinquencies in the SOR. (Item 6.)

In response to the FORM, Applicant stated that his current credit score is 620 or better and climbing. He asserted that all of his debts have been paid off except for a few accounts that he has been advised to keep to sustain a good credit rating. He stated that, in 2019, he retained the services of a bankruptcy lawyer to handle his debt repayments for him. However, after a few months of making small payments (amount not disclosed) to the lawyer, Applicant elected to handle his debts on his own. He related, without any corroborating documentation, that he contacted those creditors for whom he had addresses, sold what he and his spouse had, downsized, and did his best to pay off what he could. He stated that he paid off some “discharged notes” and was working with a creditor to eliminate another debt. He attributed his financial issues to an “instance of misfortune,” and maintained that he is correcting his debts over time. (AE A.)

Applicant provided no evidence of any payments toward the debts in the SOR. All of the SOR debts but the debt in SOR 1.e had outstanding balances on his January 2021 credit report. Those debts totaled \$38,151. (Item 6.) The debt in SOR ¶ 1.e had been dropped from his credit report, but there is no evidence the \$2,844 charge-off balance had been resolved. Applicant provided no information about his present income or any details

about his budget other than that he “always had a budget and stuck with it for the most part.” He asserts that he has always lived within his means. He has had some credit counseling “with Quicken loans referral,” but he did not elaborate in that regard. (AE A.)

Policies

Positions designated as ADP I and ADP II are classified as “sensitive positions.” The standard that must be met for assignment to sensitive duties is that, based on all available information, the person’s loyalty, reliability, and trustworthiness are such that assigning the person to sensitive duties is clearly consistent with national security. The Deputy Under Secretary of Defense (Counterintelligence and Security) Memorandum, dated November 14, 2004, indicates trustworthiness adjudications will apply to cases forwarded to DOHA by the Defense Security Service and Office of Personnel Management. Department of Defense contractor personnel are afforded the right to the procedures contained in the Directive before any final unfavorable access determination may be made.

When evaluating an applicant’s suitability for a public trust position, the administrative judge must consider the disqualifying and mitigating conditions 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 the factors listed in the adjudicative process. The administrative judge’s overall adjudicative goal is a fair, impartial, and commonsense decision. According to AG ¶ 2(a), the entire process is “an examination of a sufficient period and a careful weighing 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. In reaching this decision, I have drawn only those conclusions that are reasonable, logical, and based on the evidence contained in the record.

The person who seeks access to sensitive 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 sensitive information. Decisions include, by necessity, consideration of the possible risk that the applicant may deliberately or inadvertently fail to safeguard sensitive information. Such decisions entail a certain degree of legally permissible extrapolation about potential, rather than actual, risk of compromise of sensitive information. See Executive Order 12968, Section 3.1(b) (listing multiple prerequisites for access to classified or sensitive information).

Analysis

Guideline F: Financial Considerations

The trustworthiness concerns about financial considerations are articulated in AG ¶ 18:

Failure to live within one's means, satisfy debts, and meet financial obligations may indicate poor self-control, lack of judgment, or unwillingness to abide by rules and regulations, all of which can raise questions about an individual's reliability, trustworthiness, and ability to protect classified or sensitive information. 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. . . .

Applicants for a public trust position are not required to be debt free, but are required to manage their finances in a way as to exhibit sound judgment and responsibility. The concern is broader than the possibility that applicants might knowingly compromise sensitive information for the money to satisfy their debts. An applicant's self-control, judgment, and other qualities essential to protecting sensitive information must be considered. See, e.g., ISCR 11-05365 at 3 (App. Bd. May 1, 2012).

Applicant stopped paying on approximately \$40,000 in consumer-credit debts between August 2017 and August 2018. Most of the debts have been charged off, but two are currently in collection status. Disqualifying conditions AG ¶¶ 19(a), "inability to satisfy debts," and 19(c), "a history of not meeting financial obligations," are established. There is also evidence of conduct that triggers AG ¶ 19(b), "unwillingness to satisfy debts." Applicant stated during his February 2019 PSI that he intended to resolve his debts. At the time, his account with the creditor in SOR ¶ 1.d was past due but not yet charged off. That debt and the other delinquencies in the SOR went unpaid as he took on new debt, including a \$14,386 loan from a motorcycle retailer in July 2019. His failure to give sufficient priority to resolving his past-due debts raises doubts about his claimed willingness to resolve his delinquent debts.

The burden is on Applicant to mitigate the negative implications for his financial judgment raised by the delinquencies. He was extended credit that has not been paid for, in detriment to his creditors. Application of the aforesaid disqualifying conditions triggers consideration of the potentially mitigating conditions under AG ¶ 20. One or more of the following conditions may apply in whole or in part:

(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 person has received or is receiving 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 evidence of mitigation is limited in this case. AG ¶ 20(a) is not established. He has not resolved any of the SOR debts. “An applicant’s ongoing, unpaid debts evidence a continuing course of conduct and, therefore, can be viewed as recent for purposes of the Guideline F mitigating conditions.” ISCR Case No. 15-06532 at 3 (App. Bd. Feb. 16, 2017) (citing ISCR Case No. 15-01690 at 2 (App. Bd. Sept. 13, 2016)).

Applicant’s financial problems began with the unexpected loss of his job in November 2016 and his unemployment until August 2017. He was not without income in that he collected unemployment compensation and had his military retirement income, but he also had a sizeable mortgage obligation of approximately \$2,333 a month, which strained his finances. He had another lengthy unemployment from December 2017 until November 2018 after an employer mistook his application for another position as a resignation. These job losses implicate AG ¶ 20(b). However, even if Applicant’s financial difficulties initially arose, in whole or in part, due to circumstances outside of his control, I have to consider whether he has since acted in a reasonable manner to address his financial difficulties. See ISCR Case No. 05-11366 at 4, n. 9 (App. Bd. Jan. 23, 2007) (citing ISCR Case No. 03-13096 at 4 (App. Bd. Nov. 29, 2005); ISCR Case No. 99-0462 at 4 (App. Bd. May 25, 2000); ISCR Case No. 99-0012 at 4 (App. Bd. Dec. 1, 1999)). A component of sound financial judgment is whether Applicant maintained contact with his creditors and attempted to negotiate partial payments to keep debts current or settle his debts. Applicant’s evidence falls considerably short in that regard. There is no evidence that he contacted the SOR creditors once he regained employment in November 2018. He certainly knew as of his February 2019 PSI that his outstanding delinquencies were of trustworthiness concern.

Neither AG ¶ 20(c) nor AG ¶ 20(d) has been adequately established. Applicant’s January 2021 credit report (Item 6) shows that he and his spouse paid off a \$310,502 mortgage balance when they downsized. While this effort to reduce expenses is viewed favorably, Applicant used the equity to pay off his current vehicle loans, including the motorcycle loan, while his old debts in the SOR remain unpaid. Applicant resolved two charged-off balances, of approximately \$7,880 and \$1,352, not alleged in the SOR. He asserts that he also paid off a \$3,500 loan. An applicant is not required to establish that he has paid off each debt in the SOR, or even that the first debts paid be those in the SOR.

See ISCR Case No. 07-06482 (App. Bd. May 21, 2008). However, the Appeal Board recently reiterated in ADP Case No. 17-0063 (App. Bd. Dec. 19, 2018) that “an applicant must demonstrate a plan for debt repayment, accompanied by concomitant conduct, that is, conduct that evidences a serious intent to resolve the debts.” In evaluating his financial situation overall, I cannot ignore that Applicant has made no payments on the SOR delinquencies.

Applicant presented no proof of any attempts to address those debts placed in collection by the creditors in SOR ¶¶ 1.c and 1.h. Given the passage of time since the debts in SOR ¶¶ 1.a-1.b, 1.d, 1.f, and 1.g were charged off, those creditors may have decided not to pursue Applicant for those debts. However, there is no evidence that any of those creditors have cancelled the debts and issued 1099-C forms requiring Applicant to report as income on his tax returns the cancelled debts. Whether or not those debts continue to be a source of financial pressure or stress for Applicant, his case for mitigation is undermined by the lack of evidence of financially responsible attempts to make his creditors whole.

The \$2,844 charged-off debt (SOR ¶ 1.e) had been removed from his credit record by January 2021. The Fair Credit Reporting Act requires removal of most negative financial items from a credit report seven years from the first date of delinquency or if they become no longer legally collectible because of a state statute of limitations, whichever is longer. See Title 15 U.S.C. § 1681c. Debts may be dropped from a credit report upon dispute when creditors believe the debt is not going to be paid or when the debt has been charged off. The mere fact that a debt has been deleted from a credit report does not necessarily mean that it was not owed at one time and does not establish as a matter of law that it is not currently owed. Applicant admits that the credit-card debt was incurred by him, and he presented no documentation showing the debt had been settled, paid in full, or otherwise resolved. AG ¶ 20(e) does not apply.

Applicant’s monthly mortgage obligation is now \$1,345 on a loan with a balance of \$179,193 as of November 2020, which is a significant reduction from his previous mortgage incurred in November 2013 for \$356,000. The most recent credit report of record, which is from January 2021, shows that Applicant has significantly reduced his use of credit cards. While he has made positive steps toward improving his overall financial situation, there is little information in the record about his current income or expenses. He recently relocated and took a new job. Doubts persist about his financial judgment, especially in light of his ongoing disregard, without reasonable justification, of the delinquencies in the SOR. The financial considerations trustworthiness concerns are not adequately mitigated.

Whole-Person Concept

Under the whole-person concept, the administrative judge must evaluate an applicant’s eligibility for a public trust position by considering the totality of his conduct and all relevant circumstances in light of the nine adjudicative process factors in 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.

Applicant requested a decision on the written record, so it was incumbent on him to provide sufficient information about his circumstances to show that he can be counted on to exercise sound financial judgment going forward and that his financial situation is sufficient stable and not likely to present a trustworthiness concern. Not enough is known about Applicant's current financial situation, including about his income and expenses, for me to accurately assess his situation. While his service in the U.S. military weighs in his favor with respect to the whole-person assessment, it does not entitle him to a position of public trust. He failed to show adequate justification for continuing to ignore the debts in the SOR. After considering all the facts and circumstances, I conclude that it is not clearly consistent with national security to grant Applicant eligibility for access to sensitive information at this time.

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-1.h:	Against Applicant

Conclusion

In light of all of the circumstances presented by the record in this case, it is not clearly consistent with national security to grant Applicant eligibility for a public trust position. Eligibility for access to sensitive information is denied.

Elizabeth M. Matchinski
Administrative Judge