



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



In the matter of:)
)
) ISCR Case No. 21-00671
)
Applicant for Security Clearance)

Appearances

For Government: Jeff Nagel, Esq., Department Counsel
For Applicant: Jeffery S. Gard, Esq.

12/02/2021

Decision

COACHER, Robert E., Administrative Judge:

On April 14, 2021, the Department of Defense (DOD) issued a Statement of Reasons (SOR) to Applicant detailing security concerns under Guideline F, financial considerations. The action was taken 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 implemented by DOD on June 8, 2017 (AG).

Applicant responded to the SOR on May 10, 2021, and requested a hearing before an administrative judge. The case was assigned to me on October 20, 2021. The hearing was held as scheduled on November 18, 2021. On November 18, 2021, I proposed that this case was appropriate for a summary disposition in Applicant's favor. Department Counsel did not object.

This case involves financial concerns under Guideline F. Based upon her testimony and the documents submitted, Applicant has made significant progress toward paying the SOR-listed debts, many of which were incurred because of conditions beyond her control (she was deceived and conned by an unscrupulous ex-boyfriend).

The evidence established that mitigating conditions AG ¶¶ 20(a)-20(e) substantially apply, thereby mitigating the Guideline F concerns.

The concerns over Applicant's history of financial problems do not create doubts about her current reliability, trustworthiness, good judgment, and ability to protect classified information. In reaching this conclusion, I weighed the evidence as a whole and considered if the favorable evidence outweighed the unfavorable evidence. I also gave due consideration to the whole-person concept. Accordingly, I conclude that she met her ultimate burden of persuasion to show that it is clearly consistent with the national interest to grant her eligibility for access to classified information. This case is decided for Applicant.

Robert E. Coacher
Administrative Judge