



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



In the matter of:

Applicant for Security Clearance

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ISCR Case No. 20-02401

Appearances

For Government: John Lynch, Esq. Department Counsel
For Applicant: *Pro se*

06/25/2024

Decision

BENSON, Pamela C., Administrative Judge:

Applicant has a long history of financial problems, and he has taken little action to resolve the delinquent debts alleged in the Statement of Reasons (SOR). His credibility is questionable following multiple misrepresentations, and although somewhat dated, his 15 years of being Absent Without Leave (AWOL) from the U.S. military and an Other Than Honorable Discharge casts doubt on his reliability, trustworthiness, and his ability to follow laws, rules, and regulations. The security concerns under Guidelines F, E, and J are not mitigated. Eligibility for access to classified information is denied.

Statement of the Case

On September 3, 2021, the Department of Defense (DOD) Consolidated Adjudications Facility (CAF) issued a SOR to Applicant detailing security concerns under Guideline F (Financial Considerations). Applicant did not respond to the SOR. On March 6, 2023, the DOD CAF, now named the Defense Counterintelligence and Security Agency (DCSA) Consolidated Adjudication Services (CAS), issued an updated SOR under the same Guideline. The DCSA CAS acted 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 adjudicative guidelines implemented by the DOD on June 8, 2017.

In Applicant's undated SOR response, he admitted all four SOR allegations. He listed that he was using a credit repair company to settle a couple of his delinquent accounts, but he did not provide supporting documentation. He requested a hearing before a Defense Office of Hearings and Appeals (DOHA) Administrative Judge.

On May 31, 2023, Department Counsel notified the DOHA Hearing Office that the Government was ready to proceed with the hearing. I was assigned this case on February 23, 2024. On March 13, 2024, a notice of hearing was issued, scheduling the hearing for April 17, 2024, using a video-teleconferencing application. The hearing proceeded as scheduled. Department Counsel submitted 17 documents, which I admitted as Government Exhibits (GE) 1 through 17 without objection. Applicant testified and submitted three documents, which I admitted as Applicant Exhibits (AE) A through C without objection. I left the record open until May 1, 2024, to provide either party an opportunity to supplement the evidentiary record. Applicant timely provided documentation, which I admitted as AE D, E, and F without objection. On April 24, 2024, I received the transcript of the hearing (Tr.). The record closed on May 2, 2024.

Amendment to the SOR

On April 11, 2024, Department Counsel made amendments to the March 6, 2023 SOR. The SOR required updated information to reflect the current financial status of the original SOR allegation, as set forth below:

1.d. You are indebted to CKS PRIME INVESTMENTS, LLC (successor in interest to LENDING CLUB CORP) on a judgment obtained against you in December 2023 in the approximate of \$31,196. As of the date of these Amendments to the Statement of Reasons, the judgment remains unsatisfied. Applicant admitted this allegation. (HE 3)

Pursuant to the DOD Directive 5220.6 ¶ E.3.1.13, Department Counsel also amended the SOR by adding the following subparagraphs to paragraph 1, and the addition of relevant adverse information requiring paragraphs 2 and 3 and the following amendments, as set forth below:

1.e. You are indebted to TRIUMPH PARTNERSHIPS LLC on a judgment obtained against you in the approximate amount of \$3,949. (The suit was filed in about 2006.) As of the date of these Amendments to the Statement of Reasons, the judgment remains unsatisfied. Applicant denied this allegation. (HE 3)

1.f. You are indebted to NORTH STAR CAPITAL ACQUISITIONS on a judgment obtained against you in 2009 in the approximate amount of \$568. As of the date of these Amendments to the Statement of Reasons, the judgment remains unsatisfied. Applicant admitted this allegation. (HE 3)

1.g. You are indebted to DIRECT MERCHANTS CREDIT CARD BANK on a judgment obtained against you in about 2008 in the approximate amount of \$10,414. As of the date of these Amendments to the Statement of Reasons, the judgment remains unsatisfied. Applicant denied this allegation. (HE 3)

1.h. You are indebted to ERIN SERVICES CO., LLC on a judgment obtained against you in 2006 in the approximate amount of \$8,210. As of the date of these Amendments to the Statement of Reasons, the judgment remains unsatisfied. Applicant denied this allegation. (HE 3; Tr. 8-9)

1.i. You are indebted to LR CREDIT 10, LLC on a judgment obtained against you in 2006 in the approximate amount of \$8,210. As of the date of these Amendments to the Statement of Reasons, the judgment remains unsatisfied. Applicant denied this allegation. (HE 3)

Paragraph 2. Guideline E: Conduct involving questionable judgment, lack of candor, dishonesty, or unwillingness to comply with rules and regulations can raise questions about an individual's reliability, trustworthiness, and ability to protect classified or sensitive information. Of special interest is any failure to cooperate or provide truthful and candid answers during national security investigative or adjudicative processes. Available information raising this concern shows that:

2.a. In 2005 you were administratively separated from the United States Marine Corps with an Other Than Honorable Discharge for being Absent Without Leave (AWOL), a violation of Article 86, Uniform Code of Military Justice, for 15 years (January 1990 to January 2005). Applicant admitted this allegation. (HE 3)

2.b. You falsified material facts on an Electronic Questionnaires for Investigations Processing, e-QIP, executed by you on or about November 7, 2019, in response to "**Section 26, Delinquency Involving Routine Accounts** Other than previously listed, have any of the following happened? In the last seven years, you defaulted on any type of loan? In the last seven years, you had bills or debts turned over to a collection agency? In the last seven years, you had any account or credit card suspended, charged off or canceled for failing to pay as agreed. In the 7 last seven years, you have been over 120 days delinquent on any debt not previously entered? You are currently over 120 days delinquent on any debt?" You answered "**No**," and thereby deliberately failed to disclose the delinquent debt set forth in subparagraph 1(d) above. You also deliberately failed to disclose that your WF/BOBS FN and JPMCB CARD accounts were delinquent. According to your November 15, 2019 credit report, your WF/BOBS FN account had been charged off, was 150 days past due, and had an approximate balance of \$9,040, while your JPMCB CARD was 180 days and \$620 past due. Applicant denied this allegation. (HE 3)

2.c. You falsified material facts on an Electronic Questionnaires for Investigations Processing, e-QIP, executed by you on or about November 7, 2019, in response to "**Section 26 – Delinquency Involving Enforcement** Other than previously listed, have any of the following happened to you? **In the past seven (7) years**, you have been delinquent on alimony or child support payments. **In the past seven (7) years**, you had

a judgment entered against you.” You answered “**No,**” and thereby deliberately failed to disclose the judgments set forth in subparagraphs 1.f. through 1.i., above. You also deliberately failed to disclose that you were delinquent on child support payments. According to your December 7, 2012 credit report, your child support account was in collection and was approximately \$9,544 past due. Applicant denied this allegation. (HE 3)

2.d. You falsified material facts on an Electronic Questionnaires for Investigations Processing, e-QIP, executed by you on or about November 7, 2019, in response to “**Section 28 – Non-Criminal Court Actions In the last ten (10) years**, have you been a part to any public record civil court action not listed elsewhere on this form?” You answered “No” and thereby deliberately failed to disclose the cases set forth in subparagraphs 1.e. through 1.i., above. Applicant denied this allegation. (HE 3)

Paragraph 3. Guideline J: Criminal activity creates doubt about a person’s judgment, reliability, and trustworthiness. By its very nature, it calls into question a person’s ability or willingness to comply with laws, rules, and regulations.

3.a. That information as set forth in subparagraph 2.a, above. Applicant admitted this allegation. (HE 3)

The SOR amendments were addressed during the hearing, as well as Applicant’s admissions and denials. There were no objections, and all of the information, as listed above, was included in the record and in the revised SOR. (Tr. 8-14; HE 3)

Findings of Fact

Applicant’s admissions in his Answer and during the hearing are incorporated in my findings of fact.

Applicant is 55 years old. He graduated from high school in 1986. He was married twice and divorced twice. He has two adult children. A DOD contractor is currently sponsoring Applicant for a security clearance. He last worked for this contractor in 2019, and he is currently working for a different contractor that acts like a temp agency. He is sent out for temporary employment on ships as a steward or chief cook. His work assignments typically last from four to six months. Once his work assignment is complete, he returns home and finds employment as a cook at a local restaurant until he receives another work assignment. Last year his annual income was approximately \$90,000. (Tr. 31-37)

Financial Considerations

The amended SOR alleges nine delinquent accounts totaling approximately \$61,325. Applicant stated that his financial difficulties began in late 2018 after he tried to financially support his second son through college. He also acknowledged that he is a poor manager of money, and he does not always make the best financial decisions. His words were –“Financially irresponsible wholeheartedly.” Applicant testified that he hired a

consumer credit repair company about three years ago (approximately 2021) to help him resolve his outstanding accounts. He is currently working with this credit repair company. He submitted an exhibit which showed he had settled for less than the full value two delinquent creditors (not alleged in the current SOR) through the credit repair company. (Tr. 46-47, 49-50, 71; AE B; GE 4)

Applicant purchased a 2017 Harley Davidson (HD) motorcycle in December 2016. He put down a \$2,000 deposit and financed the remaining \$24,000 of the purchase price. He voluntarily returned the motorcycle to the dealership in about 2019 after he could no longer afford the monthly payment. SOR ¶ 1.a alleges that he is indebted to HD for an account that has been charged off in the amount of \$5,295. As of the date of the hearing, he had not made payments on this account and the debt remained outstanding. At the time he purchased the motorcycle, he stated he also had a vehicle. Applicant admitted that he currently owned a 2022 Mercedes Benz SUV with a remaining loan balance of approximately \$66,300. (Tr. 37-42, 70)

SOR ¶¶ 1.b and 1.c are two medical debts that were referred for collection in the total amount of \$327. Applicant stated in his SOR response that these medical accounts were settled. During the hearing he stated he would send verification of the settlement while the record was held open. Supporting documentation was not submitted, and these accounts remain outstanding. (Tr. 42-45)

SOR ¶ 1.d alleges that Applicant is indebted to a creditor in the amount of \$31,196, for a judgment entered against him in December 2023. Applicant admitted this debt during the hearing. In June 2018 he obtained a loan for \$30,000 to pay off several credit cards and to consolidate outstanding accounts. In March 2024, he entered into an agreement to settle the debt for \$27,568. He is required to make 36 payments of \$766, with the first payment due on March 25, 2024. On April 17, 2024, Applicant made a payment of \$1,532. (Tr. 8-9, 45- AE A, D)

SOR ¶¶ 1.e, 1.g, 1.h, and 1.i, are all unsatisfied judgments totaling approximately \$24,000, and they were denied by Applicant in his SOR response because he was unaware that judgments had been entered against him. He clarified that he was not denying that he owed the creditors any money. He has not made any payments on these judgments, and the judgments remain unsatisfied. (Tr. 50-53; GE 7, 8, 15)

SOR ¶ 1.f alleges that Applicant is indebted to a creditor in the amount of \$568, for a judgment obtained against him in about 2009. Applicant admitted this debt during the hearing, and he admitted he had not made any payments on the judgment. This judgment remains unsatisfied. (Tr. 8-9, 50-53; GE 7, 8, 15)

Personal Conduct and Criminal Conduct

Applicant enlisted in the Marine Corps in May 1988. In January 1990, while he was on active duty in the Marines, he went AWOL and did not return for 15 years. (January 1990 to January 2005) Applicant admitted SOR ¶ 2.a, and admitted the cross-reference, SOR ¶ 3.a, under Guideline J (Criminal Conduct). He testified that his wife was suicidal

after having their first child, and he made a choice to leave the military and make his family his main priority. In January 2005, he turned himself in to the Marine Corps. He was administratively discharged and given an Other Than Honorable Discharge. (GE 1, 11, 17; Tr. 53-56)

On the August 29, 2018 Declaration for Federal Employment document, Applicant listed that he served on active duty in the Marine Corps from June 15, 1988 to August 20, 2018, when he received a General discharge. On the November 7, 2019 e-QIP, he listed that he was on active duty in the Marine Corps from May 1988 to August 2005. He did not disclose on either document that he had been AWOL for 15 years or that he had received an Other Than Honorable Discharge. (GE 1, 3; Tr. 73-76)

SOR ¶¶ 2.b and 2.c allege that Applicant falsified material facts on an e-QIP executed by him on or about November 7, 2019, in response to “**Section 26, Delinquency Involving Routine Accounts, and Delinquency Involving Enforcement.**” He failed to list two delinquent accounts that were listed on the original September 2021 SOR, and he failed to disclose that at the time he filled out the e-QIP, his child support was referred for collections in 2012 and delinquent in the amount of \$9,544. Applicant denied these allegations. During the hearing he stated the two delinquent accounts had been placed with the credit repair company in approximately November 2019, which contradicts his earlier testimony that he has been with this company since about 2021. It is important to note that he also did not list on the same e-QIP that he was currently utilizing or seeking assistance from a credit counseling service. He did not disclose he was delinquent on child support because he was unaware that he was delinquent, as he had paid his ex-wife cash for child support at times, which was not recorded. (Tr. 56-67)

SOR ¶ 2.d alleges that Applicant falsified material facts on an e-QIP, executed by him on or about November 7, 2019, in response to “**Section 28 – Non-Criminal Court Actions.**” He deliberately failed to list that he had civil cases with outstanding judgments pending against him, as set forth in subparagraphs 1.e through 1.i, above. Applicant listed a home address on the e-QIP, and evidence showed that legal documents were sent to this address which served as notice. At the hearing Applicant claimed he never lived at that address, but only had his mail transferred to that address.

Character Evidence

A Captain, Chief Steward, and a restaurant operator provided letters of recommendation praising Applicant for his outstanding abilities as chef and steward. They have observed him to use skilled and safe practices in a kitchen; he is organized; and he has knowledge as well as the ability to prepare a variety of delicious meals. Applicant also provided photos of prepared meals he has served to others. (AE E, F)

Policies

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 the adjudicative process. The administrative judge's overarching adjudicative goal is a fair, impartial, and commonsense decision. According to AG ¶ 2(c), 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 security 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

Guideline F: Financial Considerations

The security concern for financial considerations is set out 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. . . .

Conditions that may raise financial considerations security concerns are provided under AG ¶ 19. The following are potentially applicable in this case:

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

The Government established that Applicant has nine delinquent accounts totaling approximately \$61,325. AG ¶¶ 19(a) and 19(c) apply.

Conditions that could mitigate the financial considerations security concerns are provided under AG ¶ 20. The following are potentially applicable in this case:

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

Applicant bears the burden of production and persuasion in mitigation. An applicant is not held to a standard of perfection in his or her debt-resolution efforts or required to be debt-free. "Rather, all that is required is that an applicant act responsibly given his [or her] circumstances and develop a reasonable plan for repayment, accompanied by 'concomitant conduct,' that is, actions which evidence a serious intent to effectuate the plan." ISCR Case No. 15-02903 at 3 (App. Bd. Mar. 9, 2017). See, e.g., ISCR Case No. 13-00987 at 3, n. 5 (App. Bd. Aug. 14, 2014).

Applicant did not provide sufficient assurances that the nine debts totaling approximately \$61,325 are being resolved or that his finances are under control. His debts are not recent, and some have lingered for more than a decade. It should be noted that Applicant called a creditor in late February 2024 and made a settlement offer, almost a year after the SOR was issued and just before his hearing. The creditor accepted the offer and to date, there is evidence of one payment in April 2024 on a repayment plan that will take three years to satisfy the debt. Applicant did not establish a history or track record of consistent payments on this debt, or any debt resolution plan for the remaining debts. An applicant who begins to resolve security concerns only after having been placed on notice that his or her clearance or eligibility for a security clearance is in jeopardy may lack the judgment and willingness to follow rules and regulations when his or her personal interests are not threatened. See, e.g., ISCR Case No. 17-04110 at 3 (App. Bd. Sep. 26, 2019).

Applicant is working with a consumer credit repair company, and he provided documentation that two debts not alleged in the current SOR were settled for less than the full balance. There is no supporting evidence, however, to show whether his credit repair company is actively working to resolve his outstanding debts and unsatisfied judgments. He admitted that he is a poor manager of money, and a recent purchase of a 2022 luxury model SUV where he currently owes \$66,300 on the loan is an example of his inability to make sound financial decisions. I find that Applicant's ongoing financial problems continue to cast doubt on his current reliability, trustworthiness, and judgment. AG ¶¶ 20(a), 20(b), 20(c), and 20(d) are not established.

Guideline E: Personal Conduct

The personal conduct security concern is set out in AG ¶ 15:

Conduct involving questionable judgment, lack of candor, dishonesty, or unwillingness to comply with rules and regulations can raise questions about an individual's reliability, trustworthiness, and ability to protect classified or sensitive information. Of special interest is any failure to cooperate or provide truthful and candid answers during national security investigative or adjudicative processes. . . .

The guideline notes several conditions that could raise security concerns under AG ¶ 16. The following disqualifying conditions are potentially applicable in this case:

(a) deliberate omission, concealment, or falsification of relevant facts from any personnel security questionnaire, personal history statement, or similar form used to conduct investigations, determine employment qualifications, award benefits or status, determine national security eligibility or trustworthiness, or award fiduciary responsibilities; and

(d) credible adverse information in several adjudicative issue areas that is not sufficient for an adverse determination under any other single guideline, but which, when considered as a whole, supports a whole-person

assessment of questionable judgment, untrustworthiness, unreliability, lack of candor, unwillingness to comply with rules and regulations, or other characteristics indicating that the individual may not properly safeguard classified or sensitive information.

Applicant admitted his 15-year AWOL from the Marine Corps, and he eventually received an Other Than Honorable Discharge because of this AWOL. The evidence in the record also showed he did not disclose, as required, adverse information on his November 2019 e-QIP about his delinquent debts and unsatisfied judgments. AG ¶¶ 16(a) and 16(d) apply.

The guideline also includes conditions that could mitigate security concerns arising from personal conduct. The following mitigating conditions under AG ¶ 17 are potentially applicable:

- (a) the individual made prompt, good-faith efforts to correct the omission, concealment, or falsification before being confronted with the facts;
- (b) the refusal or failure to cooperate, omission, or concealment was caused or significantly contributed to by advice of legal counsel or of a person with professional responsibilities for advising or instructing the individual specifically concerning security processes. Upon being made aware of the requirement to cooperate or provide the information, the individual cooperated fully and truthfully;
- (c) the offense is so minor or so much time has passed, or the behavior is so infrequent, or happened under such unique circumstances that it is unlikely to recur and does not cast doubt on the individual's reliability, trustworthiness, or good judgment; and
- (d) the individual acknowledged the behavior and obtained counseling to change the behavior or taken other positive steps to alleviate the stressors, circumstances, or factors that contributed to untrustworthy, unreliable, or other inappropriate behavior, and such behavior is unlikely to recur.

Applicant has a long history of failing to pay his creditors, to include unsatisfied judgments in the SOR that were filed or entered against him in 2006. He also admitted that he has a history of making reckless financial decisions to his detriment. At the hearing, he stated that he did not deny the actual delinquent debts or unsatisfied judgments; he denied being aware of them when he filled out the e-QIP. Applicant's denials of falsification must be evaluated in the context of his other contemporaneous conduct that raised credibility concerns.

Applicant also claimed during the hearing the reason he did not list his delinquent creditors was due to paying those creditors through the consumer credit repair. He did not, however, list on the same e-QIP that he was using the consumer credit service, as required. He listed an address on the e-QIP, but at the hearing he denied living at that

address. He also did not list accurate information about his actual period of active-duty service with the Marine Corps, or that he was AWOL for 15 years, and that he received an Other Than Honorable Discharge in about 2005. Although these last explanations were not alleged in the SOR, in this instance it demonstrates that his overall omissions and multiple misrepresentations show that he is not a credible witness. After assessing the evidence and Applicant's credibility, I find his explanations are not reliable with regard to the allegations he denied. He deliberately failed to provide accurate information regarding his delinquent debts and the five unsatisfied civil lawsuits on his November 2019 e-QIP.

Although his AWOL from the Marine Corps and his Other Than Honorable Discharge is somewhat dated, the seriousness of the matter remains a security concern. Applicant, as an enlisted member of the military, failed to fulfill his work obligations to the Department of Defense and to his country. What is most concerning in this instance, however, is that he waited a total of 15 years before turning himself into the proper authorities to take responsibility for his actions. His behavior continues to cast doubt on his reliability and trustworthiness. Personal conduct security concerns are not mitigated.

Guideline J: Criminal Conduct

The security concern for criminal conduct is set out in AG ¶ 30:

Criminal activity creates doubt about a person's judgment, reliability, and trustworthiness. By its very nature, it calls into question a person's ability or willingness to comply with laws, rules, and regulations.

The guideline notes several conditions that could raise security concerns under AG ¶ 31. The following are potentially applicable in this case:

(b) evidence (including, but not limited to, a credible allegation, an admission, and matters of official record) of criminal conduct, regardless of whether the individual was formally charged, prosecuted, or convicted; and

(e) discharge or dismissal from the Armed Forces for reasons less than "Honorable."

Applicant's AWOL and Other than Honorable discharge from the U.S. military were addressed under Guideline E and was then cross-alleged under Guideline J as well. No specific criminal conduct allegations were raised beyond what was raised under the appropriate guideline. I have previously addressed the security concerns and to do so under criminal conduct is redundant and unnecessary. His past behavior continues to cast doubt on his reliability and trustworthiness. Criminal conduct security concerns are not mitigated.

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 relevant 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.

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 adjudicative guidelines and the whole-person concept. I considered the potentially disqualifying and mitigating conditions in light of all the facts and circumstances surrounding this case. I have incorporated my comments under Guidelines F, E, and J, and the factors in AG ¶ 2(d) in this whole-person analysis.

Applicant was praised by a Captain, a Chief Steward, and an operator of a restaurant as being talented, experienced, and he has the knowledge to prepare a variety of meals. There is insufficient evidence in the record of a future plan to resolve his delinquent debts and unsatisfied judgments. He was not forthcoming about his adverse finances, and he did not provide accurate information about the true circumstances of his U.S. military service on his e-QIP. Overall, the security implications continue to cast doubt on his reliability and trustworthiness, as well as his ability to follow laws, rules, and regulations. Applicant failed to mitigate the financial considerations, personal conduct, and criminal conduct security concerns.

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.i.:	Against Applicant
Paragraph 2, Guideline E:	AGAINST APPLICANT
Subparagraphs 2.a.-2.d.:	Against Applicant
Paragraph 3, Guideline J:	AGAINST APPLICANT

Subparagraph 3.a.:

Against Applicant

Conclusion

In light of all of the circumstances presented by the record in this case, I conclude that it is not clearly consistent with the interests of national security to grant or continue Applicant's security clearance. Eligibility for access to classified information is denied.

Pamela C. Benson
Administrative Judge