DEPARTMENT OF DEFENSE
DEFENSE OFFICE OF HEARINGS AND APPEALS

In the matter of:	)	
	)	
REDACTED	)	ISCR Case No. 20-02962
	)	
Applicant for Security Clearance	)	

Appearances

For Government: Carroll J. Connelley, Esq., Department Counsel
For Applicant: *Pro se*

02/07/2022

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Decision

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MATCHINSKI, Elizabeth M., Administrative Judge:

Applicant defaulted on several consumer-credit accounts, including her student loans. She stopped paying on her student loans because she did not see the reduction in balances that she expected after making some payments. Applicant has settled her small delinquencies, but her handling of her student loans and a car-loan deficiency continue to raise concerns about her financial judgment. The foreign influence security concerns raised by her parents-in-law being resident citizens of Jordan are mitigated. Clearance eligibility is denied.

Statement of the Case

On November 27, 2020, the Defense Counterintelligence and Security Agency Consolidated Adjudications Facility (DCSA CAF) issued a Statement of Reasons (SOR) to Applicant, detailing security concerns under Guideline F, financial considerations, and Guideline B, foreign influence. The SOR explained why the DCSA CAF was unable to find it clearly consistent with the national interest to grant or continue security clearance eligibility for her. 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.

On December 2, 2020, Applicant responded to the SOR allegations and requested a decision on the written record without a hearing before an administrative judge from the Defense Office of Hearings and Appeals (DOHA). On May 10, 2021, the Government requested a hearing pursuant to ¶ E3.1.7 of the Directive. On June 30, 2021, a DOHA Department Counsel indicated that the Government was ready to proceed to a hearing. On July 19, 2021, the case was assigned to me to conduct a hearing to determine whether it is clearly consistent with the national security interests of the United States to grant or continue a security clearance for Applicant. I received the case file and assignment on July 26, 2021.

On receipt of the case file, I informed Applicant of the option of having a virtual hearing online using the Defense Collaboration Services (DCS) system. Applicant did not respond before September 1, 2021, when the DCS was no longer available to DOHA. After some coordination with the parties, on October 22, 2021, I scheduled an in-person hearing for Applicant to be held on December 1, 2021.

At the hearing held as scheduled, the Government withdrew Guideline B allegation SOR ¶ 2.a. Eleven Government exhibits (GEs 1 through 11) and five Applicant exhibits (AEs A-E) were admitted in evidence without any objections. At the Government's request, I indicated that I would accept a Request for Administrative Notice Hashemite Kingdom of Jordan, dated June 30, 2021, as a hearing exhibit (HE I), subject to any comments or objections by Applicant. Applicant testified, as reflected in a hearing transcript (Tr.) received on December 9, 2021.[1]

I held the record open after the hearing for two weeks for additional documentation from Applicant. On December 13, 2021, Applicant submitted seven documents, including two that were duplicative of AEs A and B. The five documents not duplicative were marked for identification as AEs F through J, and accepted into evidence without any objections from the Government. The record closed on December 14, 2021, when Department Counsel assented to the admission of the post-hearing submissions.

Ruling on Request for Administrative Notice

At the hearing, the Government submitted a request for administrative notice concerning the Hashemite Kingdom of Jordan (Jordan) dated June 30, 2021. The Government's request for administrative notice was based on five publications of the U.S. State Department: *Country Reports on Human Rights Practices for 2020: Jordan*, dated March 30, 2021; *Jordan Travel Advisory,* dated April 21, 2021*; Jordan 2020 Crime & Safety Report*, dated May 1, 2020; *Jordan International Travel Information,* dated April

[1] The index to the transcript is incorrect with regard to witness testimony. Applicant is the only person who testified at her hearing.

21, 2021; and *Country Reports on Terrorism 2019*, dated June 24, 2020. Department Counsel provided extracts of the source documents and the URLs where the full documents could be obtained. Applicant confirmed that she received the Government's request for administrative notice with the extracts.

Pursuant to my obligation to take administrative notice of the most current political conditions in evaluating Guideline B concerns (*see* ISCR Case No. 05-11292 (App. Bd. Apr. 12, 2007)), I informed the parties that I would take administrative notice of the facts requested by the Government with respect to Jordan, subject to the relevance and materiality of the source documentation, including whether the facts are substantiated by reliable government sources, and subject to any valid objections from Applicant. When the issue of administrative notice was discussed, Applicant stated that she should respond to the Government's request. She did not submit any objections to any of the facts proposed by the Government for administrative notice and did not propose any facts for administrative notice after her hearing. Accordingly, I accept the Government's Request for Administrative Notice Hashemite Kingdom of Jordan for review and consideration as HE I.

Also, in accord with my obligation to take note of current conditions in the country at issue in a Guideline B case, I reviewed an updated travel advisory from the U.S. State Department, *Jordan Travel Advisory*, dated December 6, 2021, and, for background information regarding relations between Jordan and the United States, I reviewed the U.S. State Department's Bilateral Relations Fact Sheet, *U.S. Relations with Jordan*, dated December 30, 2020. Both publications were accessed online at www.state.gov.

Findings of Fact

The SOR alleges under Guideline F that, as of November 27, 2020, Applicant owed collection debts of $199 (SOR ¶ 1.a), $150 (SOR ¶ 1.b), $884 (SOR ¶ 1.c), $12,995 (SOR ¶ 1.d, student loan), $3,329 (SOR ¶ 1.f, student loan), $508 (SOR ¶ 1.g), $293 (SOR ¶ 1.h), $258 (SOR ¶ 1.i), $195 (SOR ¶ 1.j), and $144 (SOR ¶ 1.k); and a charged-off debt of $8,246 (SOR ¶ 1.e, car-loan deficiency). As amended, the SOR alleges under Guideline B that Applicant's father-in-law (SOR ¶ 2.b) and mother-in-law (SOR ¶ 2.c) are resident citizens of Jordan.

When Applicant answered the SOR allegations, she admitted the collection debts in SOR ¶¶ 1.a-1.b, 1.d, and 1.f, but stated that they have been paid. She denied the collection debt in SOR ¶ 1.h based on payment; the debt in SOR ¶ 1.c for lack of knowledge; the car-loan debt in SOR ¶ 1.e and an associated debt in SOR ¶ 1.g because she had returned the vehicle to the dealership within two business days of purchase; and the collection debts in SOR ¶¶ 1.i-1.k on which she had opened dispute inquiries. Applicant acknowledged that her in-laws are resident citizens of Jordan, but she denied any inference that she had divided allegiance.

After considering the pleadings, exhibits, and transcript, I make the following findings of fact.

Financial

Applicant is 39 years old and married. She has a bachelor's degree earned in May 2005. (GE 1.) Between August 2001 and March 2005, Applicant obtained several student loans to pay for her undergraduate education. One or more of the credit reports in evidence show that Applicant had four student loans totaling $17,250 (accounts starting with #45) that had been transferred by Sallie Mae to the federal government, which was reporting a balance of $19,676 as of July 2011. As of July 2011, Sallie Mae was holding four other student loans in collection totaling $15,068 (accounts starting with #96). (GE 8.) When Applicant went to college, she did not fully understand the system with respect to paying for her education. She did not apply for some scholarships for which she was eligible (Tr. 41), and after paying on her student loans for about four years, she became "frustrated" with the lack of progress in lowering the principal and stopped paying the loans. (Tr. 46.)

While Applicant was in college, she had an internship with a defense contractor from November 2003 to September 2004. (GEs 3, 11.) After she graduated, she worked for the defense contractor as a full-time employee for the next nine years. (GE 1.)

On July 27, 2011, Applicant completed and certified as accurate a Questionnaire for National Security Positions (SF 86). She responded affirmatively to financial record inquiries concerning whether, in the last seven years, she had defaulted on any loan; had an account or credit card suspended, charged off, or cancelled for failing to pay according to terms; or had been over 180 days delinquent on any debts; and whether she was currently over 90 days delinquent on any debts. She listed a student-loan debt of $8,206 and a credit-card debt of $10,573, asserting that they were being repaid under established repayment plans, and a delinquent car loan on which she owed $12,180 for which she was attempting to arrange for repayment. (GE 3.)

As of August 23, 2011, Applicant's credit report showed that she had closed several credit-card accounts after repaying the debts on time and that she and a joint owner had opened a credit-card account in July 2011 (balance $7,506). She reportedly owed two medical debts in collection for $106 and $418; credit-card collection debts of $4,290, $10,373, and $6,199; $12,180 on the car loan; student-loan collection balances of $7,946, $2,059, $2,664, and $2,322; and a charged-off credit-card debt of $6,901. The federal government was owed $19,676 in additional student-loan debts that were in deferment after being seriously past due from September 2010 through May 2011. (GE 8.)

On September 8, 2011, Applicant was interviewed by an authorized investigator for the Office of Personnel Management (OPM). She explained that her Sallie Mae student loans totaled $14,900 and that she started repaying them in late July 2011 when she made a payment of $600. She explained that she arranged to have $300 a month withdrawn from her bank account for the debt. She reported that she also owed direct federal student loans of $19,700, which she started repaying at $100 a month in July

2011. She stated that those loans would be paid off in 2025. (GE 11.) Applicant admitted at her hearing that she did not follow through with those plans. (Tr. 53.) Applicant told the investigator that she settled the delinquent car loan for $6,090 and made her first monthly payment of $200 in August 2011. As for the $10,373 credit-card delinquency, Applicant stated had made payments of $200 in July 2011 and $500 in August 2011, and would pay $500 in September 2011 and $366 in October 2011 with $366 monthly payments thereafter. Applicant had not contacted her creditors to whom she owed $4,290 and $6,199, as she was waiting until she had reduced the balances of the accounts on which she was making payments. (GE 11.)

During her interview, Applicant attributed her delinquencies to being young and irresponsible with her money. She had allowed her then boyfriend and her sister to live with her, and she supported them because they were unemployed. Applicant also gave her mother $2,000 a month in financial support. Applicant stated that she could meet her financial obligations because she was no longer supporting her mother, her sister, or her former boyfriend. Applicant explained that she had paid $6,000 to a debt-settlement firm for assistance in resolving her debts, but when she saw no progress, she decided to arrange payment plans on her own. (GE 11.)

In July 2014, following her mother's death, Applicant resigned from her job of nine years. She decided to take some time off from working and was unemployed until May 2015. From May 2015 to November 2015, Applicant worked for a technology company as a design engineer. (GE 1.) Wanting a more stable work environment, Applicant took a job with a contractor on a federal installation. On December 3, 2015, she completed a Declaration for Federal Employment on which she answered "Yes" to whether she was delinquent on any federal debt. She listed three delinquent student loans: $3,835 and $14,922, which were late as of May 2013, and $19,752, which was late as of April 2012. She added that she was scheduled to meet with a financial advisor to establish a repayment plan to pay off her student loans within five years. (GE 2.) Applicant did not show for her appointment with the financial advisor. (Tr. 54.) She could not explain why she failed to address her student loans when she had been diligent about cleaning up her credit in other areas. (Tr. 54-55.)

In January 2017, Applicant quit her job and moved back to the state where she was raised. She had been required to make presentations to large groups of people, and it caused her anxiety. (GE 1.) Applicant worked as a substitute teacher from April 2017 until November 2017, when she decided to return to engineering full time. From November 2017 to November 2018, she worked for a company that supports her current employer. In November 2018, she accepted a full-time position with her employer, a laboratory that has DOD contracts. (GE 1.)

On December 11, 2018, Applicant completed and certified as accurate an SF 86 for her current background investigation. In response to an inquiry into whether she was currently delinquent on any federal debt, she listed a $14,659 student loan and stated, "I worked to pay off other outstanding debt for [the] last 10 years and was also until recently helping immediate family members financially. I will re-start payment of this loan in

January 2019." She responded "No" to inquiries concerning any delinquency involving routine accounts. (GE 1.)

Applicant's credit report of January 10, 2019, showed two student loans in collection for $12,995 (SOR ¶ 1.d) and $3,329 (SOR ¶ 1.f). Those loans, which had been placed with the U.S. government in November 2009, appear to be the loans once held by Sallie Mae (account #96). Additionally, an automobile loan obtained in August 2012 for $23,768 had been charged off for $6,819 in May 2013 after she stopped making her $646 monthly payments. As of November 2018, the creditor was claiming a debt balance of $8,246 (SOR ¶ 1.e). Several debts were in collection status: $884 from April 2014 (SOR ¶ 1.c); $508 assigned in August 2014 (SOR ¶ 1.g); $293 owed since November 2017 to a cable services provider (SOR ¶ 1.h); $258 on a cell phone account since October 2015 (SOR ¶ 1.i); $199 for insurance assigned in August 2017 (SOR ¶ 1.a); $195 on a cell phone account since November 2015 (SOR ¶ 1.j); $150 for medical services from September 2016 (SOR ¶ 1.b); and $144 on an account assigned in June 2016 (SOR ¶ 1.k). (GE 7.)

During an interview with an OPM investigator on February 21, 2019, Applicant was given five days to provide information about the delinquencies on her credit report that she did not list on her SF 86. When re-interviewed on February 27, 2019, Applicant did not recognize the $144 collection debt (SOR ¶ 1.k) or the $150 medical debt (SOR ¶ 1.b). She acknowledged the debts in SOR ¶¶ 1.i-1.k. As for the cable-services debt in SOR ¶ 1.h, Applicant explained that when she had her cable service disconnected, she was told there was no balance due. Regarding the debt in SOR ¶ 1.g for $508, Applicant explained that it was a credit-card balance that kept accruing after her automatic payments stopped. She believed the $884 collection debt (SOR ¶ 1.c) was on a closed cell phone account. Her new cell phone provider promised to pay off the debt and then did not pay it. About her federal student loans, Applicant stated that she was trying to consolidate them. Regarding the car-loan delinquency (SOR ¶ 1.e), Applicant stated that she made her loan payments until 2013. She tried several times to return the vehicle to the dealer who would not accept it, so she eventually just left the vehicle at the dealership. (GE 10.)

On February 22, 2019, a collection entity agreed to settle some $13,736 in student-loan debts balances on four accounts (accounts starting #96) on receipt of a lump-sum payment of $2,128 by February 27, 2019. (AE D.) Applicant contacted her creditor on December 1, 2021, and she was told that she owed the $2,128. The creditor was looking into the debt and remains willing to accept the $2,128 in settlement if she did not already pay it. (Tr. 51.) Applicant testified that the settlement may be for the federal student loans in SOR ¶¶ 1.d and 1.f, but she was not certain. (Tr. 39, 50.)

As of March 13, 2020, the collection debts in SOR ¶¶ 1.a-1.c were still on Applicant's credit report as unresolved. Two loans held by the U.S. Department of Education, of $19,752 (likely the direct loans) and $14,922 (likely the debts in SOR ¶¶ 1.d and 1.f) were listed as having zero balances after transfer. The other SOR debts were not on her credit report with Equifax Mortgage Solutions. (GE 6.) Around early August 2020, Applicant made a final payment settling her cable services debt (SOR ¶ 1.h) for $190.

(AE A.) The collection debts in SOR ¶¶ 1.a-1.b were still on her credit report as of October 15, 2020. The debt in SOR ¶ 1.c had been dropped from her credit report. (GE 5.)

Applicant was not proactive about resolving her debts because they were no longer on her credit report. They were not affecting her day-to-day life. (Tr. 68-69.) Applicant indicated in response to the SOR on December 2, 2020, that she had paid the debts in SOR ¶¶ 1.a, 1.b, and 1.h. She provided documentation showing that the cable-services debt in SOR ¶ 1.h had been settled on August 4, 2020. (AE A.) The $199 insurance debt (SOR ¶ 1.a) was credited to her account and considered paid as of December 21, 2020. (AE B.) The $150 medical debt (SOR ¶ 1.b) had also been paid in full (AE F; Tr. 34-35), although the record from the creditor does not reflect the date of payment. Similarly, the collection entities holding the debts in SOR ¶¶ 1.i, 1.j, and 1.k confirmed that those debts had been paid, but the dates of debt satisfaction are not in evidence. (AEs H-J.) The collection entity holding the debt in SOR ¶ 1.c agreed to settle the $884 balance for a lump-sum payment of $353 on December 13, 2021. (AE G.) Applicant indicated in an email that the debt has been paid and account closed, although she provided no documentary proof of the payment to settle that debt.

On December 1, 2021, Applicant expressed her intent to repay her outstanding student loans. (Tr. 43.) Applicant owes direct student loans (reported balance of $19,725, accounts starting #45). She had no plan established to resolve the debt. (GEs 6, 11.) When asked at her hearing about her plan to resolve that student-loan debt still outstanding, Applicant responded:

> So what I'm worried about is this is going to be a repeat of history and I'm going to have all the conviction in the world at this exact moment [and] it's all going to dissipate when I walk away. But my plan is what it's always been that I'm going to contact, you know, the people — whoever they sold it off to and I'm going to ask them what the balance is. And I'm either going to ask for a smaller payoff or — that's my plan like right this second and that's what I should do. (Tr. 77.)

Applicant has made no effort to contact her creditors about the car-loan charged off for $6,819 (SOR ¶ 1.e) or the debt in SOR ¶ 1.e, which she believes is associated with the car purchase. (Tr. 62.) She testified that she only drove the vehicle for two days before she realized that it was not a reasonable vehicle for her. (Tr. 43.) She does not intend to repay it because she believes she was persuaded to purchase a car that was too big, and she did not want. (Tr. 60-61.) She believes the dealer should not hold her to the loan's terms. (Tr. 61.)

Applicant had zero balances on all of her open accounts as of December 2021. (AE E.) Her current take-home pay for two weeks of work is $3,589. Her spouse is a student at a local community college and is unemployed. (Tr. 63-64.) They have a son who attends daycare at $600 a week, and Applicant is expecting their second child. Applicant's other monthly expenses include rent at $2,150, around $200 for electricity, $50 for gas heat, $100 for the Internet, and $180 for cell phones. Applicant has had some

unexpected expenses, including a $6,000 medical bill for her son. (Tr. 64-66.) She has $5,000 in her checking account and $60,000 in savings. (Tr. 67.) Applicant testified that she is "terrified" of not having enough money to cover her expenses. (Tr. 68.)

Foreign Influence

Applicant is a U.S. citizen from birth. Her parents immigrated to the United States and became U.S. citizens by naturalization. They were both deceased by December 2018 when Applicant applied for security clearance eligibility. Applicant is the fourth of six children. Her sister and the eldest of her four brothers acquired U.S. citizenship by naturalization. Two of her brothers are U.S. citizens from birth. Her siblings reside in the United States. (GE 1; Answer.)

Applicant traveled to Jordan to meet her future in-laws from July 14, 2016, to August 1, 2016. She returned to Jordan from July 27, 2017, to August 10, 2017, for her wedding to her spouse, a Jordanian citizen. Under Applicant's sponsorship, Applicant's spouse immigrated to the United States and is a U.S. permanent resident. (GEs 1, 10.) The circumstances of their meeting and courtship are not in evidence. Applicant's spouse is currently a student at a local community college. (GE 10; Tr. 64.) During a February 21, 2019 interview by an authorized investigator for the OPM, Applicant stated that her spouse came to the United States in 2017 after their marriage, and that he came to the United States for better opportunities and a chance to study. (GE 10.)

Applicant's parents-in-law are resident citizens of Jordan. (GE 1; Tr. 70.) Applicant has had in-person contact with her parents-in-law only in Jordan, when she went there to meet them and then for her wedding. (GE 10.) Applicant indicated on her December 2018 SF 86 (GE 1) and during her February 2019 interview (GE 10) that she had weekly telephone contact with her in-laws. Applicant's spouse currently calls his parents on a daily basis. Applicant exchanges only a brief greeting with her in-laws to be respectful. Approximately once a month and on special occasions, such as birthdays, Applicant converses with her in-laws. (Tr. 70-71, 74.) Her parents-in-law do not know that she is under consideration for security clearance eligibility. (GE 10.)

Applicant's father-in-law has been blind since he was five years old. (Tr. 44.) He is retired from his job with the government of Jordan as a phone operator at a blood bank. (GEs 1, 10; Tr. 73.) Applicant's mother-in-law has never worked outside her home. (GEs 1, 10; Tr. 44, 70.) Applicant and her spouse provide his parents about $2,400 a year in financial support to cover medical and living expenses. (GEs 1, 10; Tr. 71.) His parents own their home in Jordan. (Tr. 74.) They live an area in Jordan that is currently subject to a Level 4 – Do Not Travel warning from the U.S. State Department due to terrorism and crime. Applicant's spouse has three siblings: a brother in Jordan and two sisters who reside in the United States. (Tr. 74-75.) No information was provided about his siblings' occupations or activities.

During her February 27, 2019 interview, Applicant was asked by the OPM investigator whether anyone would have reason for concern on viewing her social media

account. Applicant described herself as an activist for human rights and indicated that some might view her opinions concerning the Palestinian situation as extreme or drastic as she is concerned about the violence in the Middle East. (GE 10.) At her hearing, Applicant admitted that she had posted statements that someone might think controversial. (Tr. 76.) There is no evidence that she has ever acted on her opinions.

Administrative Notice

Administrative notice is not taken of the source documents in their entirety, but of specific facts properly noticed and relevant and material to the issues. I take administrative notice of the facts requested by the Government in HE I and of other facts set forth in the source publications from the U.S. State Department, including the updated travel advisory and the bilateral relations fact sheet.

Jordan's form of government is a constitutional monarchy ruled by a king who has ultimate executive and legislative authority. The United States has a long history of cooperation and friendship with Jordan, and appreciates the leadership role Jordan plays in advancing peace and moderation in the region. The two countries both seek a comprehensive, just, and lasting peace between Israel and the Palestinians, and an end to the violent extremism that threatens the security of Jordan, the region, and the world. Based on shared strategic goals and a close working relationship, in 1996 the United States designated Jordan as a U.S. major non-NATO ally. The United States is Jordan's single largest provider of bilateral assistance, providing more than $1.2 billion in 2020. Development assistance programs reinforce the United States' commitment to broaden cooperation and dialogue with a stable, reform-oriented Jordan. The two countries have had a Free Trade Agreement in place since 2000, which has helped to diversity Jordan's economy and increased bilateral trade between the countries by over 800 percent over the last 20 years. A strong U.S. military assistance program is designed to meet Jordan's legitimate defense needs, including preservation of border integrity and regional stability through providing materiel and training.

Jordan remains at high risk for terrorism. Local, regional, and transnational groups and extremists have demonstrated a willingness and capacity to plan and executed attacks in Jordan, a key U.S. ally in combating terrorism and extremist ideology. The current travel advisory from the U.S. State Department is Level 4 – Do Not Travel due to COVID-19. Travelers are advised to exercise increased caution in Jordan due to terrorism. The State Department issued a Level 4 – Do Not Travel warning within 3.5 miles of Jordan's border with Syria due to terrorism and armed conflict; to designated Syrian refugee camps in Jordan due to government restrictions; and to Zarqa, Rusayfah, and the Baqa'a neighborhood of Ayn Basha due to terrorism and crime. All U.S. government personnel on official travel to Zarqa, Rusayfah, and the Baqa'a neighborhood must be in daylight areas only. Personal travel by U.S. government personnel to these cities is not authorized. The U.S. State Department's annual crime and safety report for Jordan issued on May 1, 2020, reported that the U.S. involvement in Iraq and Syria and the U.S. government's policies regarding Israel led more than 80% of Jordanians to hold

an unfavorable opinion of the U.S. government, although the anti-Western sentiment did not extend to U.S. citizens or culture generally.

Civilian authorities in Jordan maintained effective control over security forces in 2020. Yet, significant human rights issues in Jordan included cruel, inhuman, and degrading treatment or punishment; arbitrary arrest and detention, including of activists and journalists; infringements on citizens' privacy rights; serious restrictions on free expression and the press, including censorship and Internet-site blocking; substantial restrictions on freedoms of assembly and association; official corruption; "honor" killings of women; trafficking in persons; and gender violence. Impunity remained widespread, although the Jordanian government took some limited steps to investigate, prosecute, and punish officials who committed abuses. There is no indication that the Jordanian government used any coercive methods on its resident citizens to obtain U.S. sensitive information or that the Jordanian government targeted the United States for such information.

Policies

The U.S. Supreme Court has recognized the substantial discretion the Executive Branch has in regulating access to information pertaining to national security, emphasizing that "no one has a 'right' to a security clearance." *Department of the Navy v. Egan*, 484 U.S. 518, 528 (1988). 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 required to be considered 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, 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 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." In reaching this decision, I have drawn only those conclusions that are reasonable, logical, and based on the evidence contained in the record. 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 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 that the applicant may deliberately or inadvertently fail to safeguard classified information. Such decisions entail a certain degree of legally permissible extrapolation about potential, rather than actual, risk of compromise of classified information. Section 7 of EO 10865 provides that 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 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. . . .

An applicant is not required to be debt free, but is required to manage his or her finances in a way as to exhibit sound judgment and responsibility. The Appeal Board explained the scope and rationale for the financial considerations security concern in ISCR Case No. 11-05365 at 3 (App. Bd. May 1, 2012) (citation omitted) as follows:

> This concern is broader than the possibility that an applicant might knowingly compromise classified information in order to raise money in satisfaction of his or her debts. Rather, it requires a Judge to examine the totality of an applicant's financial history and circumstances. The Judge must consider pertinent evidence regarding the applicant's self-control, judgment, and other qualities essential to protecting the national secrets as well as the vulnerabilities inherent in the circumstances. The Directive presumes a nexus between proven conduct under any of the Guidelines and an applicant's security eligibility.

Guideline F security concerns are established when an individual fails to pay financial obligations according to the contract terms on the account. The evidence clearly

establishes disqualifying condition AG ¶ 19(c), "a history of not meeting financial obligations." Applicant defaulted on the 11 accounts in the SOR. AG ¶ 19(b), "unwillingness to satisfy debts regardless of the ability to do so," applies with respect to the car loan (SOR ¶ 1.e), which was charged off for $6,819. Applicant does not believe that she should repay the balance, and she has taken no steps to resolve the debt despite having accumulated $60,000 in savings.

Applicant initially stopped paying her student loans because she could not afford the payments. She lived off savings and had some financial help from her brother when she was unemployed from July 2014 to May 2015 after she chose to take time off from working following the death of her mother. Even so, this case is less about AG ¶ 19(a), "inability to satisfy debts," than about AG ¶ 19(e), in that her financial problems were incurred largely because of questionable financial choices, including credit mismanagement. AG ¶ 19(e) provides:

> (e) consistent spending beyond one's means or frivolous or irresponsible spending, which may be indicated by excessive indebtedness, significant negative cash flow, a history of late payments or of non-payment or other negative financial indicators.

Applicant made payments on her student loans through December 2009. As of August 2011, some of her student loans were in collection while others referred to the U.S. government were in deferment after having been in delinquency status. She told an OPM investigator in September 2011 that she had repayment plans in place for her student loans. She did not follow through with the plans. The deferred loans went into default status.

Based on Applicant's admission during her September 2011 interview and the March 2020 credit report, some $19,752 in additional student-loan delinquency could have been alleged in the SOR. As it was not alleged, it cannot be considered for disqualifying purposes. However, the Appeal Board has long held that conduct not alleged in an SOR may still be considered for one or more of the following purposes:

> (a) to assess applicant's credibility; (b) to evaluate an applicant's evidence of extenuation, mitigation, or changed circumstances; (c) to consider whether an applicant has demonstrated successful rehabilitation; (d) to decide whether a particular provision of the Adjudicative Guidelines is applicable; or (e) to provide evidence for the whole-person analysis under Directive Section 6.3.

See ISCR Case No. 03-20327 at 4 (App. Bd. Oct. 26, 2006). Applicant's unalleged student loan debt is relevant in assessing mitigation, including whether she is likely to resolve her outstanding student-loan balances. Some $20,862 in credit-card collection debts on her credit record as of August 2011 are not currently an issue. She apparently resolved those delinquencies before her current background investigation. Applicant indicated in September 2011 that she could meet her financial obligations because she was no longer

supporting her mother, sister, or a former boyfriend. However, she exercised questionable judgment within AG ¶ 19(e) when in August 2012, she took on a $23,768 car loan (SOR ¶ 1.e) with a repayment term of $646 per month for five years for a vehicle that she was uncomfortable driving. After the car dealer refused to take back the car, she just left it at the dealership and defaulted on her car payments.

Application of disqualifying conditions triggers consideration of the potentially mitigating conditions under AG ¶ 20. The following 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.

AG ¶ 20(a) cannot reasonably apply. Applicant listed the student loans alleged in SOR ¶¶ 1.d and 1.f on her December 2018 SF 86. These were the only student loans that appeared on her credit record as of January 2019, although she has acknowledged owing more than $19,000 in additional past-due student-loan debt. On February 22, 2019, she accepted a settlement offer from the creditor holding the student loans in SOR ¶¶ 1.d and 1.f. The settlement required that she make a lump-sum payment of $2,128 by February 27, 2019, to resolve a $13,736 balance. On December 1, 2021, she contacted the entity holding those student loans and was told that she still owes the settlement amount. Applicant provided no proof of settlement for those loans or the $19,752 in additional student-loan delinquency that has dropped from her credit report. She has made no efforts to contact the creditor about the car-loan deficiency in SOR ¶ 1.e. Debts that remained unresolved over several years can properly be characterized as a history of delinquent debt sufficient to raise security concerns under Guideline F. *See, e.g.*, ISCR Case No. 17-03146 at 2 (App. Bd. July 31, 2018).

AG ¶ 20(b) warrants some consideration. Applicant's financial support for her mother and sister prior to September 2011, when they could not provide for themselves, demonstrates family loyalty, which is a positive character trait. Applicant's subsequent periods of unemployment from July 2014 to May 2015 and from January 2017 to April 2017 followed voluntary resignations. Even so, the death of her mother in July 2014, which caused her to leave her longtime job, is a circumstance contemplated within AG ¶ 20(b). Applicant worked as a substitute teacher from April 2017 to November 2017, which may not have provided her enough income to address her delinquencies, although she provided no details in that regard. However, Applicant has been consistently employed as an engineer since November 2017. She has worked full time for her current employer since November 2018, and she accumulated some $60,000 in savings over the next three years.

A relevant consideration under AG ¶ 20(b) is whether Applicant acted in a reasonable manner to address her legitimate debts. *See* ISCR Case No. 05-11366 at 4, n. 9 (App. Bd. Jan. 23, 2007) (citing ISCR Case No. 99-0462 at 4 (App. Bd. May 25, 2000); ISCR Case No. 99-0012 at 4 (App. Bd. Dec. 1, 1999); ISCR Case No. 03-13096 at 4 (App. Bd. Nov. 29, 2005)). A component of sound financial judgment is whether Applicant maintained contact with her creditors and attempted to negotiate partial payments to keep debts current or settle her debts. Her evidence falls somewhat short in that aspect. Applicant settled the cable-services debt before the SOR was issued. Her payment to resolve the insurance debt in SOR ¶ 1.a was credited to her account on December 21, 2020, after she received the SOR. The collection entities holding the debts in SOR ¶¶ 1.i, 1.j, and 1.k confirm that those debts have been paid, but their letters do not report the dates of debt satisfaction. The collection entity holding the debt in SOR ¶ 1.c agreed to settle Applicant's $884 balance for a lump-sum payment of $353 on December 13, 2021. Applicant credibly asserts that the debt has been paid. Yet Applicant did not offer a credible explanation for her delay in addressing those debts. Moreover, AG ¶ 20(b) has no applicability to the car-loan deficiency, which she continues to disregard and is seemingly unwilling to address.

The Appeal Board has long stated that the timing of an applicant's efforts at debt resolution is relevant in evaluating the sufficiency of his or her case in mitigation ("Applicants who begin to resolve their debts only after having been placed on notice that their clearances or trustworthiness designations are in jeopardy may be disinclined to follow rules and regulations when their personal interests are not at stake."). *See* ADP Case No. 17-00263 at 3 (App. Bd. Dec. 19, 2018) (citing, *e.g.*, ISCR Case No. 17-01556 at 3 (App. Bd. Aug. 2, 2018)). Applicant had the financial means to have paid her smaller debts sooner. Even so, Applicant has mitigated the security concerns with respect to those debts which she settled under terms satisfactory to her creditors (SOR ¶¶ 1.a-1.c and 1.h-1.k).

Neither AG ¶ 20(c) nor AG ¶ 20(d) has been shown to apply to her student loans or to the car-loan deficiency (SOR ¶ 1.e) and associated debt (SOR ¶ 1.g). She provided no documentation showing that she paid the $2,128 to settle the student loans covered

by that offer, which based on account numbers and amounts, appear to be the loans in SOR ¶¶ 1.d and 1.f. She is not sure that she paid the settlement amount, and the creditor told her she owes the debt. If those loans have been settled, there is the matter of the additional delinquent student-loan debt, which available credit information indicates exceeds $19,000. She has no established repayment plans in place for that student-loan debt, the charged-off car loan (SOR ¶ 1.e), or the associated $508 debt (SOR ¶ 1.g). While she may feel that she should not have to pay the deficiency balance on the car loan inasmuch as she turned in the vehicle, she did not provide any evidence of actions taken to dispute her legal liability for the debt. AG ¶ 20(e) was not shown to apply.

A security clearance adjudication involves an evaluation of an applicant's judgment, reliability, and trustworthiness. It is not a proceeding aimed at collecting an applicant's personal debts. *See* ISCR Case No. 14-03991 at 2 (App. Bd. July 17, 2015). Applicant has taken steps to improve her finances. She owed no debt on her open accounts as of December 1, 2021. While she expressed a willingness to make payments toward her student loans that are unresolved, her history of not making promised payments under previously established plans raises considerable doubts about whether she can be counted on to make timely payments according to established terms in the future. Applicant has little confidence in her own commitment to address her student loans. The financial considerations security concerns are not fully mitigated.

Guideline B: Foreign Influence

The security concern relating to the guideline for foreign influence is articulated in AG ¶ 6:

> Foreign contacts and interests, including but not limited to, business, financial, and property interests, are a national security concern if they result in divided allegiance. They may also be a national security concern if they create circumstances in which the individual may be manipulated or induced to help a foreign person, group, organization, or government in a way that is inconsistent with U.S. interests or otherwise made vulnerable to pressure or coercion by any foreign interest. Assessment of foreign contacts and interests should consider the country in which the foreign contact or interest is located, including, but not limited to, considerations such as whether it is known to target U.S. citizens to obtain classified or sensitive information or is associated with a risk of terrorism.

Applicant's parents-in-law are resident citizens of Jordan. At Applicant's hearing, the Government learned that Applicant's spouse's brother also resides in Jordan, but that relationship was not alleged as raising Guideline B concerns. Accordingly, review of Applicant's foreign contacts and connections to determine whether they present a heightened risk under AG ¶ 7(a) or create a potential conflict of interest under AG ¶ 7(b) is limited to her parents-in-law. Disqualifying conditions AG ¶¶ 7(a) and 7(b) provide:

> (a) contact, regardless of method, with a foreign family member, business or professional associate, friend, or other person who is a citizen of or resident in a foreign country if that contact creates a heightened risk of foreign exploitation, inducement, manipulation, pressure, or coercion; and
>
> (b) connections to a foreign person, group, government, or country that create a potential conflict of interest between the individual's obligation to protect classified or sensitive information or technology and the individual's desire to help a foreign person, group, or country by providing that information or technology.

Not every foreign contact or tie presents the heightened risk under AG ¶ 7(a). The "heightened risk" denotes a risk greater than the normal risk inherent in having a family member living under a foreign government. The nature and strength of the familial ties and the country involved (*i.e.*, the nature of its government, its relationship with the United States, and its human rights record) are relevant in assessing whether there is a likelihood of vulnerability to coercion. The risk of coercion, persuasion, or duress is significantly greater if the foreign country has an authoritarian government; a close friend or family member is associated with, or dependent on, the foreign government; or the country is known to conduct intelligence operations against the United States. In considering the nature of the foreign government, the administrative judge must take into account any terrorist activity in the country at issue. *See generally* ISCR Case No. 02-26130 at 3 (App. Bd. Dec. 7, 2006).

Jordan is a major non-NATO ally of the United States. The two countries share the mutual goals of a comprehensive, just, and lasting peace between Israel and the Palestinians, and Jordan is a committed ally in countering the violent extremism that threatens Jordan and the region. The United States provides Jordan with significant development aid and military assistance to ensure that Jordan remains stable and prosperous. However, Guideline B concerns are not limited to countries hostile to the United States. Even friendly nations may have interests that are not completely aligned with the United States. The Appeal Board has long held that "[t]he United States has a compelling interest in protecting and safeguarding classified information from any person, organization, or country that is not authorized to have access to it, regardless of whether that person, organization, or country has interests inimical to those of the United States." *See* ISCR Case No. 02-11570 (App. Bd. May 19, 2004). Jordan is not known to conduct intelligence operations against the United States. There is no report of Jordan using coercive methods on its resident citizens to obtain U.S. sensitive information. However, Jordan has some human rights problems and is at significant risk of terrorist activity within its borders. The risk of terrorism in Jordan has led the U.S. State Department to continue to advise travelers to exercise increased caution when in the country and to not travel to certain areas of Jordan. Applicant's in-laws live in an area of significant risk with regard to terrorist activity, so the risk is heightened in that regard.

Furthermore, Applicant's spouse has close ties of affection to his parents, whom he currently calls on a daily basis. To be respectful, Applicant will exchange greetings

with her in-laws when her spouse calls them. Approximately monthly and on special occasions, Applicant will have extended conversations with her in-laws. She has had in-person contact with her husband's parents only twice: when she was in Jordan in July 2016 to meet them and in July 2017 for her wedding. Even so, there is a rebuttable presumption that a person has ties of affection for, or obligation to, the immediate family members of his or her spouse. *See e.g*., ISCR Case No. 11-12659 (App. Bd. May 30, 2013). Applicant and her spouse send his parents about $2,400 a year for their support. AG ¶¶ 7(a) and 7(b) apply.

Three mitigating conditions under AG ¶ 8 could apply in whole or in part with respect to Applicant's foreign ties and contacts. They are:

> (a) the nature of the relationships with foreign persons, the country in which these persons are located, or the positions or activities of those persons in that country are such that it is unlikely the individual will be placed in a position of having to choose between the interests of a foreign individual, group, organization, or government and the interests of the United States;
>
> (b) there is no conflict of interest, either because the individual's sense of loyalty or obligation to the foreign person, or allegiance to the group, government, or country is so minimal, or the individual has such deep and longstanding relationships and loyalties in the United States, that the individual can be expected to resolve any conflict of interest in favor of the U.S. interest; and
>
> (c) contact or communication with foreign citizens is so casual and infrequent that there is little likelihood that it could create a risk for foreign influence or exploitation.

Concerning AG ¶ 8(a), Applicant's father-in-law had been an employee of Jordan's government prior to his retirement, but his duties answering the phone at a blood bank do not generate security concerns. Applicant's mother-in-law did not work outside her home. However, AG ¶ 8(a) is difficult for Applicant to satisfy, given her spouse's close ties to his parents, and the risk of terrorism where his parents live. On a daily basis, Applicant's communication with her in-laws is casual in that it involves no more than a brief greeting, but it is frequent. AG ¶ 8(c) was also not established.

In evaluating whether Applicant has "such deep and longstanding relationships and loyalties in the United States" to trigger AG ¶ 8(b) in mitigation, it is noted that Applicant has not exhibited or expressed any preference for Jordan. Applicant was raised and educated in the United States. Her parents are deceased, but her siblings are U.S. resident citizens. There is no indication that the Government inquired about the circumstances under which Applicant met her spouse or the nature of their dating relationship. She sponsored her spouse for his U.S. permanent residency, and he is attending a community college in the United States. Their son was born in the United States. He is in daycare, and they are expecting their second child. Applicant has spent

her entire career as an engineer in the United States. There is no evidence that she has any intention of moving to Jordan. There is no evidence that she has any financial assets in Jordan. Applicant's clear preference for her life in the United States weighs favorably in assessing whether she can be expected to resolve any conflict of interest for the United States. AG ¶ 8(b) applies in mitigation of the foreign influence concerns.

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 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.

Under AG ¶ 2(c), "[t]he ultimate determination of whether the granting or continuing of national security clearance eligibility is clearly consistent with the interests of national security must be an overall common sense judgment based upon careful consideration of the [pertinent] guidelines" and the whole-person concept. My comments under Guidelines F and B are incorporated in my whole-person analysis.

With respect to Guideline B, personal character is less at issue than are her circumstances. The Appeal Board held in ISCR Case No. 14-02563 at 6 (App. Bd. Aug. 28, 2015) that "common sense and a knowledge of the ways of the world suggests that even those whose character is unimpeachable could be faced with circumstances that would seriously tempt them to place the safety of parents, siblings, or parents-in-law ahead of other competing interests." In ISCR Case No. 19-01688 at 5 (App. Bd. Aug. 10, 2020), the Board stated that "[a]pplication of the guidelines is not a comment on an applicant's patriotism but merely an acknowledgement that people may act in unpredictable ways when faced with choices that could be important to a loved-one, such as a family member." Applicant is a self-proclaimed human rights activist, who has admitted to having posted some controversial statements on social media. No negative inference is drawn from her expressing her personal opinions, given there is no evidence that she has ever acted contrary to the U.S. interests. However, her statements do raise her public profile and make it more likely that she could come to the attention of someone who might target her for classified information. Her openness about her social media posts suggests that she is likely to report any attempt at undue foreign influence. Applicant's in-laws do not know that she is under consideration for a security clearance. While the risk of undue foreign influence cannot be completely discounted, it is mitigated by her longstanding ties to the United States.

Applicant's attitude toward some of her debts is of significant security concern. She disregarded her repayment responsibility for some debts because she saw no detrimental impact by her not paying them. This demonstrated tendency to act in self-interest is incompatible with the good judgment, reliability, and trustworthiness that is required to hold security clearance eligibility. It is well settled that once a concern arises regarding an applicant's security clearance eligibility, there is a strong presumption against the grant or renewal of a security clearance. *See Dorfmont v. Brown*, 913 F. 2d 1399, 1401 (9th Cir. 1990). Based on the evidence of record, it is not clearly consistent with the interests of national security to grant security clearance eligibility for Applicant.

Formal Findings

Formal findings for or against Applicant on the allegations set forth in the amended 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.c:	For Applicant
Subparagraphs 1.d-1.g:	Against Applicant
Subparagraphs 1.h-1.k:	For Applicant
Paragraph 2, Guideline B:	FOR APPLICANT
Subparagraph 2.a:	Withdrawn
Subparagraphs 2.b-2.c:	For Applicant

Conclusion

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

_____
Elizabeth M. Matchinski
Administrative Judge