



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



In the matter of:)	
)	
REDACTED)	ISCR Case No. 21-01528
)	
Applicant for Security Clearance)	

Appearances

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

07/19/2022

Decision

MATCHINSKI, Elizabeth M., Administrative Judge:

From September 2017 to about June 2018, Applicant fell for a scam conducted via messaging and social media applications. She took more than \$60,000 in cash advances from credit cards in her name and wired the money or sent iTunes cards purchased with the funds to a person whom she believed was an actor she admired. She defaulted on the credit-card balances before she realized she had been scammed. In the absence of evidence showing she has been excused from her legal liability for repayment, more progress is needed toward repaying her past-due debts. She displayed extremely poor judgment in compromising her personal information and financial stability. The financial considerations and the personal conduct security concerns are not fully mitigated. Clearance eligibility is denied.

Statement of the Case

On October 27, 2021, 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 E, personal conduct. 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 October 28, 2021, in response to an electronic copy of the SOR (Tr. 8), Applicant answered the SOR allegations and requested a hearing before an administrative judge from the Defense Office of Hearings and Appeals (DOHA). On February 8, 2022, Department Counsel indicated that the Government was ready to proceed to a hearing. On February 24, 2022, the case was assigned to me to determine whether it is clearly consistent with the interests of national security to grant or continue a security clearance for Applicant. I received the case file and assignment on March 1, 2022.

After some coordination with the parties, on May 12, 2022, I scheduled a hearing for June 7, 2022. At the hearing, the Government withdrew SOR ¶ 1.f as a duplicate listing of the debt alleged in SOR ¶ 1.k. Three Government exhibits (GEs 1-3) and four Applicant exhibits (AEs A-D) were admitted into the record without objection. Applicant testified, as reflected in a hearing transcript (Tr.) received by DOHA on June 23, 2022.

I held the record open after the hearing for two weeks for additional documents from Applicant. On June 16, 2022, Applicant submitted wage garnishment documentation, which was admitted without objection as AE E.

Findings of Fact

The SOR alleges under Guideline F that, as of October 27, 2021, Applicant owed seven charged-off debts for \$12,164 (SOR ¶ 1.a), \$11,100 (SOR ¶ 1.b), \$1,038 (SOR ¶ 1.c), \$5,497 (SOR ¶ 1.d); \$3,281 (SOR ¶ 1.g), \$5,542 (SOR ¶ 1.h). and \$3,457 (SOR ¶ 1.i); two collection debts for \$5,753 (SOR ¶ 1.e) and \$8,218 (SOR ¶ 1.j); and a past-due account for \$5,945 (SOR ¶ 1.k). Under Guideline E, Applicant allegedly communicated from September 2017 to June 2018 with a person whom she believed was a well-known actor, and, at his request, sent him gift cards and money, and provided him with her Social Security number so that he could open credit-card accounts in her name resulting in the delinquent debts (SOR ¶ 2.a).

When Applicant answered the SOR allegations, she admitted the delinquent debts, but explained in response to the Guideline E allegation that it was a scam; that the impostor promised to pay off the credit-card debts that she incurred for him; and that he threatened her. In an attached statement, she stated that she was “vulnerable and gullible in 2017” after her divorce, but that when she realized she made a “huge mistake,” she retained the services of a lawyer to work with her creditors to forgive the debts because she was a scam victim. She indicated that it would never happen again. (Answer.)

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

Applicant is 57 years old, twice divorced, and has a 25-year-old son. (GE 1.) She earned an associate's degree in May 1985. (GE 2.) She has worked as a "PC" technical specialist for a defense contractor since January 2010. (GE 1; Tr. 16.)

Applicant and her second husband divorced in June 2016 after almost ten years of marriage. She moved into her current address in August 2016. She bought her condominium outright with funds from her divorce settlement. (Tr. 32.)

Applicant had a difficult time emotionally after her divorce. She obtained counseling and asserts that an actor helped her through that time in that she derived pleasure from watching him act on a show that she enjoyed. (Tr. 18, 38.)

In approximately September 2017, Applicant began communicating via a social media messaging application with a person who identified himself as the actor, but who was an impostor. Applicant responded that she would like to meet him, and he told her to make a reservation through his agent. Applicant filled out a form electronically and sent him \$3,000 through his purported agent. She withdrew the \$3,000 from her 401(k) account. After several messages between them, Applicant was convinced she was communicating with the actor. At the impostor's request, she procured and sent him several iTunes cards. She willingly provided him with her address and Social Security number, which he used to open credit-card accounts in her name for cards sent to her at her home address. She used the credit cards to purchase iTunes cards and obtain cash advances that she wired to the impostor at various addresses in the United States and abroad. The impostor repeatedly promised to pay the balances on the accounts and did so initially, but some of his payments were rejected for insufficient funds. (GE 2; Tr. 17-23, 31.) Given the actor's professional success, Applicant questioned the impostor about why he did not purchase his own iTunes cards. She does not now recall his response other than it was "some nonsense" to keep her believing that she would meet him. (Tr. 38.) She never asked what happened to all the cash advances she sent. (Tr. 43.)

The impostor eventually proposed that he and Applicant start a clothing business together, and he told her he needed money for the start-up costs. (GE 2; Tr. 22.) Although he never sent Applicant a business plan or told her how he would use the money, she obtained a home-equity loan for \$37,647 against her condominium in January 2018 (GE 3), and wired around \$37,000 to him. (GE 2; Tr. 24.)

Applicant began to suspect that something was amiss because the impostor refused to send her a "selfie;" however, she continued to send him money and gift cards. (Tr. 19.) Between October 21, 2017, and December 29, 2017, Applicant conducted 15 wire transfers totaling \$10,716 that were sent to addresses in the United States and abroad. Between November 10, 2017, and January 6, 2018, she made 28 money transfers totaling \$22,414 in amounts ranging from \$400 to \$1,000 to nine different people in the United

States and abroad. She made purchases of \$9,184 between November 21, 2017, and November 30, 2017; \$13,270 between December 1, 2017, and December 19, 2017; and \$5,260 between January 1, 2018, and January 28, 2018, which she indicates were all for iTunes gift cards for the impostor. She used the credit-card account in SOR ¶ 1.a for 27 purchases totaling \$10,638, and obtained three cash advances totaling \$2,205 between November 24, 2017, and January 8, 2018. (GE 2.)

When the balances on the credit cards reached their credit limits (were “maxed out”), the impostor stopped paying on them and refused to make any further payments. Applicant could not afford to pay them, and so she defaulted on the accounts. (Tr. 31.) The delinquency histories of the accounts in the SOR follow.

Debt alleged in SOR	Delinquency history	Payment Status
\$12,164 charged-off debt (SOR ¶ 1.a)	Credit-card account opened Nov. 2017; last activity Mar. 2018; \$11,531 placed for collection; \$12,164 charged-off balance as of Mar. 2021. (GEs 2, 3.)	No payments as of June 2022.
\$11,100 charged-off debt (SOR ¶ 1.b)	Credit-card account opened Nov. 2017; last activity Feb. 2018; \$11,100 charged-off balance as of Mar. 2021. (GEs 2-3.)	No payments as of June 2022.
\$1,038 charged-off debt (SOR ¶ 1.c)	Credit-card account opened Nov. 2017; last activity Feb. 2018; charged off for \$1,038. (GEs 2-3.)	Made \$50 payments to reduce balance to \$210 as of Feb. 2021 (GEs 2-3); as of June 2022, trying to arrange for monthly repayment at \$35 to creditor (Tr. 27); unclear whether on this account or that in SOR ¶ 1.e.
\$5,497 charged-off debt (SOR ¶ 1.d)	Credit-card account opened Nov. 2017; last activity Apr. 2018; \$5,497 charged off; \$5,561 balance as of Mar. 2021. (GEs 2-3.)	No payments as of June 2022.

\$5,753 collection debt (SOR ¶ 1.e)	Credit-card account with last activity Jan.2018; \$5,753 for collection Aug. 2018. (GEs 2-3.)	See ¶ 1.c, above; no payments as of June 2022.
\$3,281 charged-off debt (SOR ¶ 1.g)	Credit-card account opened Dec. 2017; last activity Sep. 2018; \$3,218 charged-off balance as of Mar. 2021. (GEs 2-3.)	No payments as of June 2022.
\$5,542 charged-off debt (SOR ¶ 1.h)	Credit-card account opened Nov. 2017; last activity Jan. 2018; \$5,542 charged-off balance as of Aug. 2019. (GEs 2-3.)	No payments as of June 2022
\$3,457 charged-off debt (SOR ¶ 1.i)	Loan obtained Nov. 2017; last activity Jul. 2018; \$3,457 charged-off balance as of Dec. 2018 (GEs 2-3); judgment for \$3,670 Sep. 2021; wage execution order for \$4,350 as of Mar. 2022. (AE E.)	Wages ordered to be garnished at \$307 per week; paid \$844 in 2022 by garnishment; order modified to \$35 per week May 2022, garnishment ongoing as of June 2022. (AE E; Tr. 28-29, 42.)
\$8,218 collection debt (SOR ¶ 1.j)	Credit-card account opened Jan. 2018; \$8,218 for collection Sep. 2018. (GEs 2-3.)	No payments as of June 2022.
\$5,945 past-due debt (SOR ¶ 1.k)	Unsecured installment loan for \$5,000 acquired Nov. 2017; last activity July, 2018; \$5,945 past-due as of Mar. 2021. (GEs 2-3.)	No payments as of June 2022.

The impostor threatened to make no further payments on the maxed-out credit cards unless she continued to wire money and procure iTunes cards for him. (GE 2.) Sometime in June 2018, he called her using an application. She recognized immediately by the sound of his voice that it was not the actor and that she had been scammed. (Tr. 19-20.) She reported the scam online to the Federal Bureau of Investigation (FBI) (GE 2), but she never heard back from the FBI. (AE A; Tr. 43.) Through a legal plan at work, Applicant has had an attorney working for her since 2019 to get her debts forgiven because of the scam. As of June 2022, the creditors in the SOR were holding her legally liable for the debts. (Tr. 26.)

On December 8, 2019, Applicant completed a Questionnaire for National Security Positions (SF 86) in application for a DOD security clearance. In response to a financial record inquiry concerning whether she was currently seeking assistance to resolve financial

difficulties, Applicant reported that she was a victim of a scam and owed credit-card debt, so she had retained an attorney to contact her creditors and attempt to resolve her debts. In response to SF 86 queries about any routine financial delinquencies, Applicant disclosed that she owed about \$100,000 in a home-equity loan and credit-card debts, and stated, "The scammer/impostor forced me to use credit cards and he promised to pay them off and obviously did not. I was a victim." (GE 1.)

On March 6, 2020, Applicant was interviewed by an authorized investigator for the Office of Personnel Management (OPM). She provided details about the delinquent accounts on her credit record, including those incurred because of the scam. She explained that she could not afford to repay them, and that should her attorney have little success in having her debts forgiven, she might have to file for bankruptcy. Applicant did not dispute the evidence of her wire transfers and purchases to U.S. and international addresses, which she indicated were at the impostor's request. She described her overall financial situation as stressful and admitted that she made a mistake in acceding to the scammer's demands. She maintained she would not again fall for a scam. She indicated that her lawyer, a character reference listed on her SF 86, her supervisor, and some co-workers, are aware that she fell for a scam. (GE 2.) The extent of their knowledge is not in evidence.

Applicant has no savings but has about \$80,000 in a 401(k) account. (Tr. 34.) She has not considered using any of that retirement asset to settle any of the SOR debts. (Tr. 35.) She lives from paycheck to paycheck, has to budget expenses, and sometimes goes weeks without buying food. (Tr. 34.) She has been current in making her monthly payment, presently at \$411 per month, on the home-equity loan that she obtained to provide money and gift cards to the impostor. (GE 3; Tr. 32.) She leases a 2020 model-year vehicle at a cost of \$356 per month. (Tr. 33.)

Applicant told the impostor where she works but no details about her work. (Tr. 36.) She has not had any disciplinary issues at work. (AEs A-C.) An engineering manager at work attests that Applicant has been fully professional, very loyal, dependable, honest, and hardworking. She is considered a valuable team member within their department. (AE B.) The manager for whom she worked directly from 2014 to at least December 2021 attests to the diligence with which Applicant fulfills her job duties. He described her as a strong asset to their employer. (AE C.) Likewise, an engineer in the department, who has known her for about eight years, indicates that Applicant is conscientious and dedicated to her job. She is willing to stay late to ensure that an important task is completed. He indicates that she does not often make mistakes, but when they happen, she is the first to point it out and rectify it. (AE D.) Their character reference letters make no mention of Applicant having financial problems or having been caught up in a scam.

Applicant regrets disclosing her personal information to the impostor. She no longer communicates with anyone she does not know, including by messaging or social media applications. (AE A; Tr. 43.)

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. . .

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 does not pay financial obligations according to terms. Applicant defaulted on more than \$60,000 in credit- card and loan debts that she took on to wire money to, and purchase iTunes gift cards for, a person whom she believed was an actor she admired. Disqualifying conditions AG ¶¶ 19(a), "inability to satisfy debts," and 19(c), "a history of not meeting financial obligations," apply.

Applicant bears the burden of mitigating her very questionable financial judgment. Application of the aforesaid 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 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.

Within the span of only a few months, Applicant opened the SOR accounts and incurred a significant amount of debt that went into default. Although more than four years have passed since she incurred the debts, her ongoing, unpaid debts evidence a continuing course of conduct and are considered recent. See, e.g., ISCR 17-03146 at 2 (App. Bd. Jul. 31, 2018), citing, e.g., ISCR Case No. 15-08779 at 3 (App. Bd. Nov. 3, 2017). Applicant has made no payments on most of the debts in the SOR. AG ¶ 20(a) cannot reasonably apply, even though the scam is an unusual circumstance that may not recur.

While AG ¶ 20(b) provides for mitigation when a person is victimized by the fraudulent practices of another, Applicant bears significant responsibility for her financial difficulties. She paid \$3,000 withdrawn from her 401(k) to “an agent” for what she believed would be an opportunity to meet the actor. She used the credit cards opened in her name by an impostor to obtain cash advances or purchase gift cards for the impostor. In addition to taking on more than \$60,000 in credit-card debts, she obtained a home-equity loan of \$37,647 and sent most, if not all, of the money to him for a purported business venture. She took out this loan against her own property without any evidence of a business plan. She wired thousands to at least nine different people to addresses in the United States and abroad at the impostor’s request without any reasonable explanation or justification. She continued to make money transfers and purchase gift cards, even as he refused to send her a “selfie” or speak to her. She took on more debt than she could afford to repay on her income, based on little more than a hope that she would eventually meet the actor. These financially irresponsible actions are not mitigated under AG ¶ 20(b).

Regarding AG ¶¶ 20(c) and 20(d), Applicant is currently trying to arrange for \$35 payments to the creditor named in both SOR ¶¶ 1.c and 1.e. Available credit information shows that she paid down the balance of the debt in SOR ¶ 1.c from \$1,038 to \$210 by March 2021. There is no evidence that debt has been fully paid off. Even so, she made enough progress toward repaying that debt to resolve that debt in her favor. Her wages are being garnished involuntarily to repay the debt in SOR ¶ 1.i. While that debt may eventually be resolved, the Appeal Board has long held that resolution through garnishment “diminishes the [mitigating] weight to which the evidence is entitled.” See ISCR Case No. 14-05803 (App. Bd. July 7, 2016), (citing ISCR Case No. 09-05700 at 4 (App. Bd. Feb. 24, 2011)). Applicant has not made any payments toward the other debts in the SOR. Nor is there any evidence that her creditors have forgiven the debts. AG ¶¶ 20(c) and 20(d) have only limited applicability.

The Appeal Board has held that the security clearance adjudication is not a proceeding aimed at collecting an applicant's personal debts. Rather, it is a proceeding aimed at evaluating an applicant's judgment, reliability, and trustworthiness with regard to his or her fitness or suitability to handle classified information appropriately. See ISCR Case No. 09-02160 (App. Bd. June 21, 2010). Applicant cannot presently afford to repay the debts based on her income. She has about \$80,000 in 401(k) assets, but has not considered a withdrawal to pay the debts. Whether or not some creditors choose to discharge Applicant of her legal liability for repayment, it would not be enough to fully allay the security concerns raised by Applicant's questionable financial judgment.

Guideline E: Personal Conduct

The security concerns about personal conduct are set forth in AG ¶ 15, which provides:

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.

Personal conduct security concerns under AG ¶ 15 are amply established. Applicant exhibited extremely questionable judgment in providing her personally identifiable information (PII) (Social Security number and address) to someone with whom she had no personal relationship and with whom she had communicated only by messages or social media applications. Setting aside the issue of whether she should have paid \$3,000 taken from her 401(k) for the opportunity to meet an actor whom she admired, neither her emotional vulnerability following her divorce nor her desire to meet the actor justify her compromise of her PII and her financial security. She gave the impostor some \$100,000 in money and gift cards without taking any reasonable steps to verify his identity or question his motives. AG ¶ 16(d) applies. It provides:

(d) credible adverse information that is not explicitly covered under any other guideline and may not be sufficient by itself for an adverse determination, but which, when combined with all available information, 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.

Moreover, Applicant's conduct triggers the personal conduct concerns contemplated within AG ¶ 16(e), which states:

(e) personal conduct, or concealment of information about one's conduct, that creates a vulnerability to exploitation, manipulation, or duress by a

foreign intelligence entity or other individual or group. Such conduct includes:

(1) engaging in activities which, if known, could affect the person's personal, professional, or community standing.

Applicant showed an unacceptable level of vulnerability by the extent to which she was duped into compromising her personal information and finances. She indicated during her OPM interview that her supervisor and some co-workers are aware that she fell for a scam. None of the three co-workers who provided character reference letters (AEs B-D) mention Applicant's involvement in a scam. It is unclear whether they know the full extent to which Applicant became involved in providing money and gift cards to the impostor.

Three mitigating conditions under AG ¶ 17 could apply in whole or in part. They are:

(c) the offense is no minor, or so much time has passed, or the behavior is so infrequent, or it 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;

(d) the individual has 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; and

(e) the individual has taken positive steps to reduce or eliminate vulnerability to exploitation, manipulation, or duress.

AG ¶ 17(c) warrants some consideration because four years have passed, but Applicant's conduct cannot reasonably be characterized as minor. It went on for months. AG ¶ 17(d) has some applicability in that she regrets the actions she took which led to her current financial stress, and she has taken steps to avoid recurrence by no longer communicating via messaging or social media applications with persons she does not know. Even so, her reform appears to be incomplete. She sees herself primarily as a victim and demonstrates a lack of insight concerning her conduct and the choices she made. She had no reasonable explanation for why someone whom she believed was a successful actor would need funds from her. She had multiple reasons to doubt the legitimacy of the requests, if not the identity of the person asking for money. She never confronted him about what he did with the money she sent or why he had her send it to multiple international destinations.

Applicant's candid admissions about her delinquencies and her use of her personal credit to satisfy the requests of the impostor provide some mitigation under AG ¶ 17(e), although it is unclear to what extent her family, co-workers, and others in her life know about her exercise of questionable judgment and financial stress. After evaluating her evidence in mitigation, it is not enough to overcome the personal conduct concerns.

Whole-Person Concept

In assessing the whole person, the administrative judge must consider the totality of Applicant's conduct and all relevant circumstances in light of the nine adjudicative process factors in AG ¶ 2(d). Those factors are:

(1) the nature, extent, and seriousness of the conduct; (2) the circumstances surrounding the conduct, to include knowledgeable participation; (3) the frequency and recency of the conduct; (4) the individual's age and maturity at the time of the conduct; (5) the extent to which participation is voluntary; (6) the presence or absence of rehabilitation and other permanent behavioral changes; (7) the motivation for the conduct; (8) the potential for pressure, coercion, exploitation, or duress; and (9) the likelihood of continuation or recurrence.

The analyses under Guidelines F and E are incorporated in my whole-person analysis. Some of the factors in AG ¶ 2(d) were addressed under those guidelines, but some warrant additional comment.

Applicant asks that her security clearance not be jeopardized by a scam. However, she clearly made questionable decisions that led to her compromising her PII and her finances. She needs her income to pay her living expenses. The Directive does not permit the administrative judge to consider the impact of an unfavorable decision on an applicant. See, e.g., ISCR 18-01662 (App. Bd. May 6, 2019). It is well settled that once a concern arises regarding an applicant's security clearance eligibility, there is 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 or continue security clearance eligibility for Applicant at this time.

Formal Findings

Formal findings for or against Applicant on the allegations set forth in the SOR, as required by section E3.1.25 of Enclosure 3 of the Directive, are:

Paragraph 1, Guideline F:	AGAINST APPLICANT
Subparagraphs 1.a-1.b:	Against Applicant
Subparagraph 1.c:	For Applicant
Subparagraphs 1.d-1.e:	Against Applicant
Subparagraph 1.f:	Withdrawn
Subparagraphs 1.g-1.k:	Against Applicant
Paragraph 2, Guideline E:	AGAINST APPLICANT
Subparagraph 2.a:	Against Applicant

Conclusion

In light of all of the circumstances, it is not clearly consistent with the interests of national security to grant or continue Applicant's eligibility for a security clearance. Eligibility for access to classified information is denied.

Elizabeth M. Matchinski
Administrative Judge