



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



In the matter of:)
)
) ISCR Case No. 20-03573
)
Applicant for Security Clearance)

Appearances

For Government: Dan O’Reilly, Esq., Department Counsel
For Applicant: *Pro se*

09/15/2022

Decision

HARVEY, Mark, Administrative Judge:

Applicant failed to make sufficient progress resolving the debts listed on the statement of reasons (SOR). Three different employers cited him for violating rules. Guidelines F (financial considerations) and E (personal conduct) security concerns are not mitigated, and eligibility for access to classified information is denied.

Statement of the Case

On June 22, 2022, Applicant completed and signed a Questionnaire for National Security Positions (SF 86) or security clearance application (SCA). (Item 3). On November 8, 2021, the Defense Counterintelligence and Security Agency, Consolidated Adjudications Facility (CAF) issued an SOR to Applicant under Executive Order (Exec. Or.) 10865, *Safeguarding Classified Information within Industry*, February 20, 1960; Department of Defense (DOD) Directive 5220.6, *Defense Industrial Personnel Security Clearance Review Program* (Directive), January 2, 1992; and Security Executive Agent Directive 4, establishing in Appendix A the *National Security Adjudicative Guidelines for Determining Eligibility for Access to Classified Information or Eligibility to Hold a Sensitive Position* (AGs), effective June 8, 2017. (Item 1)

The SOR detailed reasons why the CAF did not find under the Directive that it is clearly consistent with the interests of national security to grant or continue a security clearance for Applicant and recommended referral to an administrative judge to determine whether a clearance should be granted, continued, denied, or revoked.

Specifically, the SOR set forth security concerns arising under Guidelines F and E. (Item 1)

On January 22, 2022, Applicant provided a response to the SOR, and he requested a decision without a hearing. (Item 2) On March 30, 2022, Department Counsel completed a File of Relevant Material (FORM). On April 19, 2022, Applicant received the FORM. Applicant did not respond to the FORM. On August 4, 2022, the case was assigned to me.

Some details were excluded to protect Applicant's right to privacy. Specific information is available in the cited exhibits.

Findings of Fact

In Applicant's SOR response, he admitted the SOR allegations in ¶¶ 1.a, 1.c through 1.m, 2.d, and 2.e. (Item 2) He partially admitted and partially denied SOR ¶¶ 1.b, 1.n, and 2.a. (*Id.*) He denied the remaining SOR allegations. (*Id.*) Applicant's admissions are accepted as findings of fact. Additional findings follow.

Applicant is 36 years old, and he is seeking employment as a DOD contractor. (Item 3 at 7) He has never served in the military. (*Id.* at 24) In 2013, he married, and his son was born in 2013. (*Id.* at 27, 29) He separated from his spouse in 2018. (*Id.*) Applicant's employment history is shown in the following table.

Time Period	Employment	Citation
May 2020 to June 2022	Unemployed	Item 3 at 11
January 2020 to May 2020	Worker at Therapy Facility	Item 3 at 12
February 2019 to December 2019	Security Officer	Item 3 at 13-14
July 2018 to December 2019	Armed Guard	Item 3 at 15
February 2018 to August 2018	Field Service Representative	Item 3 at 17
December 2016 to February 2018	Investigator	Item 3 at 18
June 2010 to December 2016	Detention Officer in Sheriff's Department	Item 3 at 19

Financial Considerations

The SOR alleges 12 delinquent debts totaling \$25,393 with the following balances: ¶ 1.a (past due in the amount of \$7,893 with a balance of \$13,497); ¶ 1.b (\$5,507); ¶ 1.c (\$1,556); ¶ 1.d (\$1,497); ¶ 1.e (\$662); ¶ 1.f (\$627); ¶ 1.g (\$569); ¶ 1.h (\$351); ¶ 1.i (\$345); ¶ 1.j (\$336); ¶ 1.k (\$262); and ¶ 1.l (\$184). (Item 1) SOR ¶ 1.m alleges Applicant failed to file a federal income tax return for tax year 2018, and SOR ¶ 1.n alleges he owes federal income taxes of about \$2,000 for TY 2018. (*Id.*)

The debts in SOR ¶¶ 1.b through 1.j, and 1.l were placed for collection. (Items 1, 2) The debt in SOR ¶ 1.a was delinquent, and the debt in ¶ 1.k was charged off. (Items 1, 2)

During Applicant's July 20, 2020 Office of Personnel Management (OPM) personal subject interview, Applicant volunteered that he filed his and his spouse's joint federal income tax return for TY 2018. (Item 4 at 5) In 2020, he received a letter from the Internal Revenue Service (IRS) stating he failed to file his or his spouse's W2 forms showing their earnings. (*Id.*) One of Applicant's employers sent him an incorrect W2, and he wrote his employer asking for a correct W2. (*Id.*) He never received a corrected W2 from his employer. (*Id.*) His spouse intends to file her federal income tax return as married filing separate. (*Id.*) He estimated that when he filed his federal income tax return for TY 2018, he and his spouse owed less than \$2,000. (*Id.*) He plans to file his TY 2018 income tax return after his wife files her married filing separate tax return. (*Id.*)

When Applicant responded to the SOR on January 22, 2022, he admitted all of the financial allegations without elaboration, except he disputed the amount of his debt in SOR ¶ 1.b (\$5,507). He did not indicate that he made payments to any of his SOR creditors, had established payment plans, or filed disputes of the SOR debts. He did not indicate whether he refiled his TY 2018 federal income tax return or paid any additional federal income taxes owed for that year.

Personal Conduct

SOR ¶ 2.a alleges Applicant failed to disclose on his June 22, 2020 SCA that he had delinquent debts. His SCA asked whether in the last seven years he had any debts in collections, charged-off debts, defaulted on any loan, or been delinquent over 120 days on any debt. (Item 3 at 39-40) He answered, no, and he did not disclose any delinquent debts in his SCA. (Item 3 at 39-40)

During his July 20, 2020 Office of Personnel Management (OPM) interview, Applicant said without being confronted that he had: (1) defaulted on debts; (2) debts in collections; and was more than 120 days' delinquent on debts. (Item 4 at 4) He remembered some delinquent debts and the OPM investigator told him about other delinquent debts on his credit report.

SOR ¶ 2.b alleges Applicant failed to disclose on his June 22, 2020 SCA that he failed to timely file his federal income tax return in TY 2018 and that he owed delinquent taxes for TY 2018. His June 22, 2020 SCA asked whether he failed to timely file or pay federal income taxes in the previous seven years, and Applicant answered, no. (Item 3 at 39) During his July 20, 2020 OPM interview, Applicant said without being confronted that he failed to file his and his spouse's W2s with their joint federal income tax return for TY 2018, and he owed less than \$2,000 as discussed *supra*.

SOR ¶ 2.c alleges Applicant was fired from his employment in May 2020 for numerous infractions of company policies, violating client rights, and harassment or abuse of clients. (Item 1) Management alleged he omitted pertinent information when management questioned him about his offenses. (*Id.*) He is not eligible for rehire. (*Id.*)

On May 18, 2020, Applicant's employer wrote that Applicant was terminated from his employment because: (1) he left a group of clients unattended; (2) he was sleeping

while responsible for high-risk precaution clients; and (3) he threatened a client. (Item 8 at 1)

In March 2020, Applicant received a reprimand because a staff member heard a client say to Applicant, “I don’t feel safe after you threatened me the other night.” Applicant responded to the client, “shut the fxxk up.” (GE 8 at 4) The staff member confronted Applicant about making the threat, and Applicant admitted he made the threat. (*Id.*) The reprimand does not include the content of the threat. In his OMP interview, Applicant denied that he engaged in any of the alleged conduct, with the exception that he said he was fired for leaving male and female adolescents unattended while he used the restroom. (Item 3 at 3) He denied that there were multiple incidents. (*Id.*)

SOR ¶ 2.d alleges Applicant was fired from his employment in December 2019 for sleeping on the job. (Item 1) Applicant told the OPM investigator that he was not sleeping. He said he was resting his head on his hand because of wisdom-teeth pain, and he was not asleep. (Item 3 at 3) Applicant said a coworker took his picture and turned him in to management for sleeping. (*Id.*)

SOR ¶ 1.e alleges Applicant was suspended from his employment for two weeks for bringing his child to his workplace in November 2019, in violation of company policy. (Item 1) In his SCA, Applicant said he was suspended for two weeks when he reported for his armed security guard employment and brought his child “due to baby sitter not picking him up on time.” (Item 3 at 16) During his OPM interview, he said his shift started at 6 p.m., and his wife could not pick up his son until 10 p.m. (Item 4 at 4) Applicant kept his son with him at his employment until about 9:30 p.m. when he dropped his son off at his spouse’s residence. (*Id.*)

In the FORM, Department Counsel described Applicant’s security-significant behavior and noted the absence of mitigation. The FORM informed Applicant that he had 30 days from the receipt of the FORM “**in which to submit a documentary response setting forth objections, rebuttal, extenuation, mitigation, or explanation, as appropriate.** . . . If [Applicant does] not file any objections or submit any additional information . . . [his] case will be assigned to an Administrative Judge for a determination based solely” on the evidence set forth in this FORM. (FORM at 5 (emphasis added)) Applicant did not provide any response to the FORM.

Policies

The U.S. Supreme Court has recognized the substantial discretion of the Executive Branch in regulating access to information pertaining to national security emphasizing, “no one has a ‘right’ to a security clearance.” *Department of the Navy v. Egan*, 484 U.S. 518, 528 (1988). As Commander in Chief, the President has the authority to control access to information bearing on national security and to determine whether an individual is sufficiently trustworthy to have access to such information.” *Id.* at 527. The President has authorized the Secretary of Defense or his designee to grant applicant’s eligibility for access to classified information “only upon a finding that it is clearly consistent with the

national interest to do so.” Exec. Or. 10865, *Safeguarding Classified Information within Industry* § 2 (Feb. 20, 1960), as amended.

Eligibility for a security clearance is predicated upon the applicant meeting the criteria contained in the adjudicative guidelines. These guidelines are not inflexible rules of law. Instead, recognizing the complexities of human behavior, these guidelines are applied in conjunction with an evaluation of the whole person. An administrative judge’s overarching adjudicative goal is a fair, impartial, and commonsense decision. An administrative judge must consider all available, reliable information about the person, past and present, favorable and unfavorable.

The Government reposes a high degree of trust and confidence in persons with access to classified information. This relationship transcends normal duty hours and endures throughout off-duty hours. 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 about potential, rather than actual, risk of compromise of classified information. Clearance decisions must be “in terms of the national interest and shall in no sense be a determination as to the loyalty of the applicant concerned.” See Exec. Or. 10865 § 7. Thus, nothing in this decision should be construed to suggest that it is based, in whole or in part, on any express or implied determination about applicant’s allegiance, loyalty, or patriotism. It is merely an indication the applicant has not met the strict guidelines the President, Secretary of Defense, and Director of National Intelligence have established for issuing a clearance.

Initially, the Government must establish, by substantial evidence, conditions in the personal or professional history of the applicant that may disqualify the applicant from being eligible for access to classified information. The Government has the burden of establishing controverted facts alleged in the SOR. See *Egan*, 484 U.S. at 531. “Substantial evidence” is “more than a scintilla but less than a preponderance.” See *v. Washington Metro. Area Transit Auth.*, 36 F.3d 375, 380 (4th Cir. 1994). The guidelines presume a nexus or rational connection between proven conduct under any of the criteria listed therein and an applicant’s security suitability. See ISCR Case No. 95-0611 at 2 (App. Bd. May 2, 1996).

Once the Government establishes a disqualifying condition by substantial evidence, the burden shifts to the applicant to rebut, explain, extenuate, or mitigate the facts. Directive ¶ E3.1.15. An applicant “has the ultimate burden of demonstrating that it is clearly consistent with the national interest to grant or continue his [or her] security clearance.” ISCR Case No. 01-20700 at 3 (App. Bd. Dec. 19, 2002). The burden of disproving a mitigating condition never shifts to the Government. See ISCR Case No. 02-31154 at 5 (App. Bd. Sep. 22, 2005). “[S]ecurity clearance determinations should err, if they must, on the side of denials.” *Egan*, 484 U.S. at 531; see AG ¶ 2(b).

Analysis

Financial Considerations

AG ¶ 18 articulates the security concern for financial problems:

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.

AG ¶ 19 includes disqualifying conditions that could raise a security concern and may be disqualifying in this case: "(a) inability to satisfy debts"; and "(c) a history of not meeting financial obligations."

In ISCR Case No. 08-12184 at 7 (App. Bd. Jan. 7, 2010), the Appeal Board explained:

It is well-settled that adverse information from a credit report can normally meet the substantial evidence standard and the government's obligations under [Directive] ¶ E3.1.14 for pertinent allegations. At that point, the burden shifts to applicant to establish either that [he or] she is not responsible for the debt or that matters in mitigation apply.

(internal citation omitted). The record establishes the disqualifying conditions in AG ¶¶ 19(a) and 19(c), requiring additional inquiry about the possible applicability of mitigating

conditions. Discussion of the disqualifying conditions is contained in the mitigation section, *infra*.

The financial considerations mitigating conditions under AG ¶ 20 are as follows:

- (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;
- (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.

In ISCR Case No. 10-04641 at 4 (App. Bd. Sept. 24, 2013), the DOHA Appeal Board explained Applicant's responsibility for proving the applicability of mitigating conditions as follows:

Once a concern arises regarding an Applicant's security clearance eligibility, there is a strong presumption against the grant or maintenance of a security clearance. See *Dorfmont v. Brown*, 913 F. 2d 1399, 1401 (9th Cir. 1990), *cert. denied*, 499 U.S. 905 (1991). After the Government presents evidence raising security concerns, the burden shifts to the applicant to rebut or mitigate those concerns. See Directive ¶ E3.1.15. The standard applicable in security clearance decisions is that articulated in *Egan, supra*. "Any doubt concerning personnel being considered for access to classified information will be resolved in favor of the national security." Directive, Enclosure 2 ¶ 2(b).

Applicant did not provide proof of resolution of the 12 delinquent debts totaling \$25,393 alleged in the SOR. A debt that became delinquent several years ago is still considered recent because "an applicant's ongoing, unpaid debts evidence a continuing course of conduct and, therefore, can be viewed as recent for purposes of the Guideline

F mitigating conditions.” ISCR Case No. 15-06532 at 3 (App. Bd. Feb. 16, 2017) (citing ISCR Case No. 15-01690 at 2 (App. Bd. Sept. 13, 2016)).

Applicant did not describe any circumstances beyond his control, which adversely affected his finances. However, “[e]ven if Applicant’s financial difficulties initially arose, in whole or in part, due to circumstances outside his control, the Judge could still consider whether Applicant has since acted in a reasonable manner when dealing with those financial difficulties.” ISCR Case No. 05-11366 at 4 n.9 (App. Bd. Jan. 12, 2007) (citing ISCR Case No. 03-13096 at 4 (App. Bd. Nov. 29, 2005); ISCR Case No. 99-0462 at 4 (App. Bd. May 25, 2000); ISCR Case No. 99-0012 at 4 (App. Bd. Dec. 1, 1999)).

Another component under AG ¶ 20(a) is whether he maintained contact with creditors and attempted to negotiate partial payments to keep debts current. Applicant did not provide supporting documentary evidence that he maintained contact with his creditors. He did not provide evidence of any payments to the SOR creditors.

There is no evidence that Applicant failed to timely file his federal income tax return for TY 2018. He did not send his employer’s and his wife’s W2s along with his TY 2018 tax return, and the IRS wrote him asking for less than \$2,000. The IRS is supposed to receive copies of W2s from employers, and the IRS evidently calculated his and his spouse’s tax liability. Applicant and his wife are separated. He said he asked his employer to provide a corrected W2; however, he did not receive it. His spouse plans to file her federal income tax return as married filing separately. Applicant can refile his tax return as married filing separately. He did not show whether he owed any federal income taxes for TY 2018.

Applicant did not describe any financial counseling. He did not provide documentary evidence showing he was not responsible for any of the unresolved SOR debts or explaining why he was unable to make greater documented progress resolving the SOR debts. There is insufficient evidence showing Applicant’s multiple failures to pay debts were prudent good-faith decisions. His financial delinquencies are likely to continue and recur. His finances continue to cast doubt on his reliability, trustworthiness, and good judgment.

Personal Conduct

AG ¶ 15 explains why personal conduct is a security concern stating:

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.

AG ¶ 16 lists a condition that could raise a security concern and may be disqualifying pertaining to SOR ¶¶ 1.a and 1.b including:

(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.

Applicant's June 22, 2020 SCA asked whether in the last seven years he had any debts in collections, charged-off debts, defaulted on any loan, or been delinquent over 120 days on any debt. He answered, no, and he did not disclose any delinquent debts in his SCA. He had 12 delinquent debts totaling \$25,393.

Applicant's June 22, 2020 SCA asked whether he failed to timely file or pay federal income taxes in the previous seven years, and Applicant answered, no. He failed to disclose on this SCA that he did not file a complete tax return for TY 2018 because he failed to include his and his spouse's W2s, and in 2020, he received correspondence from the IRS indicating he owed taxes for TY 2018.

Applicant's SCA asked clear and easily understood questions about Applicant's debts and taxes. He intentionally failed to disclose his delinquent debts as well as his tax debt. AG ¶ 16(a) is established.

AG ¶ 17 includes one condition that could mitigate security concerns relating to Applicant's failure to disclose accurate information on his SCA, "(a) the individual made prompt, good-faith efforts to correct the omission, concealment, or falsification before being confronted with the facts."

During his July 20, 2020 OPM interview, Applicant said without being confronted that he had: (1) defaulted on debts; (2) debts in collections; and (3) was more than 120 days' delinquent on debts. He remembered some delinquent debts and the OPM investigator told him about other delinquent debts on his credit report. He also said without being confronted that he failed to file his and his spouse's W2s with their joint federal income tax return for TY 2018, and he owed less than \$2,000 to the IRS. AG ¶ 17(a) applies, and the allegations in SOR ¶¶ 2.a and 2.b that he intentionally omitted information from his SCA are mitigated.

AG ¶ 16 has two disqualifying conditions which are relevant to SOR ¶¶ 2.c, 2.d, and 2.e. AG ¶¶ 16(d)(3), and 16(e)(1) state:

(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 person may not properly safeguard protected information. This includes but is not limited to consideration of: . . . (3) a pattern of dishonesty or rule violations; and

(e) personal conduct, or concealment of information about one's conduct, that creates a vulnerability to exploitation, manipulation, or duress, such as (1) engaging in activities which, if known, may affect the person's personal, professional, or community standing

SOR ¶¶ 2.c, 2.d, and 2.e allege and the record establishes that Applicant was fired twice and suspended from his employment for two weeks for violating policies or rules of his employers. AG ¶¶ 16(d) and 16(e)(1) are established. The disqualifying conditions will be further discussed in the mitigation section, *infra*.

AG ¶ 17 provides conditions that could mitigate security concerns in this case:

(c) the offense is so 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;

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

(f) the information was unsubstantiated or from a source of questionable reliability.

SOR ¶ 2.c alleges Applicant was fired for violating several policies. Applicant threatened a client and received a reprimand. He admitted to a staff member that he made the threat. He left adolescent boys and girls unattended, and he was fired. He admitted he left them unattended, but said he had to leave to use the restroom. He did not describe any efforts to have another staff member attend the clients in his absence.

SOR ¶ 2.d alleges Applicant was fired for sleeping while on duty as a security guard. He said he was photographed by a coworker with his head on his hand. His denial that he was sleeping is not credible. His failure to accept responsibility for sleeping on duty shows a lack of responsibility.

SOR ¶ 2.e alleges Applicant brought his child to work, and he is a security guard. This rule violation resulted in a two-week suspension from work. Applicant said his babysitter did not come to his house to care for his child. Applicant did not explain what efforts he made to find another babysitter or daycare. He did not indicate he called his employer before bringing his child to work. There is not enough information to mitigate this violation of his employer's policy against bringing children to work.

None of the mitigating conditions fully apply to Applicant's rule violations. He did not provide credible assurances that he will comply with rules and policies. His rule violations continue to cast doubt on his reliability, trustworthiness, and good judgment. Personal conduct security concerns alleged in SOR ¶¶ 2.c, 2.d, and 2.e 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 the 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), "[t]he ultimate determination" of whether to grant a security clearance "must be an overall commonsense judgment based upon careful consideration of the guidelines" and the whole-person concept. My comments 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 is 36 years old, and he is seeking employment as a DOD contractor. In 2013, he married, and his son was born in 2013. He separated from his spouse in 2018. The record does not contain any letters describing Applicant's good work performance, law abiding character, or diligence in the protection of classified documents or sensitive information.

The evidence against grant of a security clearance is more substantial at this time. Applicant did not provide documentation about why he was unable to make greater documented progress resolving the delinquent SOR debts in SOR ¶¶ 1.a through 1.i. It is unclear why he did not provide evidence about his income, expenses, and efforts to resolve the debts in the SOR. Applicant was terminated from employment twice and suspended for two weeks from a different job for violating rules. His lack of responsible financial action and violations of his employer's rules raise unmitigated questions about his reliability, trustworthiness, and ability to protect classified information.

It is well settled that once a concern arises regarding an applicant's security clearance eligibility, there is a strong presumption against granting a security clearance. See *Dorfmont*, 913 F. 2d at 1401. "[A] favorable clearance decision means that the record discloses no basis for doubt about an applicant's eligibility for access to classified

information.” ISCR Case No. 18-02085 at 7 (App. Bd. Jan. 3, 2020) (citing ISCR Case No.12-00270 at 3 (App. Bd. Jan. 17, 2014)).

This decision should not be construed as a determination that Applicant cannot or will not attain the state of reform necessary for award of a security clearance in the future. With more effort towards documented resolution of his past-due debts, and a better track record of behavior consistent with his obligations, he may be able to demonstrate persuasive evidence of his security clearance worthiness. I have carefully applied the law, as set forth in *Egan*, Exec. Or. 10865, the Directive, the AGs, and the Appeal Board’s jurisprudence to the facts and circumstances in the context of the whole person. Applicant failed to mitigate financial considerations and personal 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 through 1.l:	Against Applicant
Subparagraphs 1.m and 1.n:	For Applicant
Paragraph 2, Guideline E:	AGAINST APPLICANT
Subparagraphs 2.a and 2.b:	For Applicant
Subparagraphs 2.c, 2.d, and 2.e:	Against Applicant

Conclusion

In light of all of the circumstances in this case, 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.

Mark Harvey
Administrative Judge