



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



In the matter of:)
)
-----) ADP Case No. 21-00673
)
Applicant for Public Trust Position)

Appearances

For Government: Dan O'Reilly, Esq., Department Counsel
For Applicant: Lee Schachter, Esq.

09/06/2022

Decision

WESLEY, ROGER C. Administrative Judge

Based upon a review of the case file, pleadings, exhibits, and testimony, Applicant mitigated financial consideration concerns. Eligibility for holding a public trust position is granted.

Statement of the Case

On May 28, 2021, the Department of Defense (DoD) Consolidated Central Adjudications Facility (CAF) issued a statement of reasons (SOR) to Applicant detailing reasons why under the financial considerations guideline the DoD could not make the preliminary affirmative determination of eligibility for granting a security clearance, and recommended referral to an administrative judge to determine whether a security clearance should be granted, continued, denied, or revoked. The action was taken under Executive Order (Exec. Or.) 10865, *Safeguarding Classified Information within Industry* (February 20, 1960); DoD Directive 5220.6 *Defense Industrial Personnel Security Clearance Review Program*, (January 2, 1992) (Directive); 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.

Applicant responded to the SOR on June 14, 2021, and requested a hearing. This case was assigned to me on May 4, 2022. A hearing was scheduled for June 23, 2022, and was heard on the scheduled date. At the hearing, the Government's case consisted of five exhibits. (GEs 1-5) Applicant relied on six exhibits (AEs A-F) and one witness (herself). The transcript (Tr.) was received on July 6, 2022.

Procedural Issues

Prior to the opening of the hearing, on June 2, 2022, the Government amended the SOR to strike (1) "Applicant for a security clearance and replace it with the caption "Applicant for a Public trust Position"; (2) ISCR and replace it with ADP"; and (3) the opening paragraph and replace it with "A review of your eligibility to occupy an automated data processing (ADP) position designated ADP-I/II/III to support a Department of Defense (DoD) contract has been made pursuant to DoD Directive 5220-6, dated January 2, 1992, (as amended). Because this office is unable to conclude that you are eligible to occupy such a position, your case will be submitted to an Administrative Judge for a determination as to whether or not to grant, deny, or revoke your eligibility. This determination is based on the following reasons (incorporating allegations of the SOR). The government made these amendments after confirmation from Applicant's Facility Security Officer (FSO) that Applicant requires a public trust designation, rather than a secret security clearance. The Government reaffirmed that the designation changes do not alter the substance of the SOR.

Before the close of the hearing, the parties requested the record be kept open to permit the Government and Applicant to submit additional documentation. For good cause shown, the Government was granted 14 calendar days to supplement the record with a copy of Applicant's May 2019 bankruptcy petition. Applicant was afforded seven days to respond. Within the time permitted, the Government submitted two additional exhibits (a Chapter 7 bankruptcy petition filed in May 2019 and a bankruptcy docket summary) that were admitted without objection as GEs 6-7. Additional briefing submissions were posted by the parties on the issue of the Appeal Board's past treatment of tax-filings and installment agreements completed after the filing of SORs. Within the time permitted, both parties responded with briefing statements. (HEs 1-3)

Summary of Pleadings

Under Guideline F, Applicant allegedly (a) filed for Chapter 13 bankruptcy relief in October 2019, which was dismissed in March 2021; (b) filed for Chapter 7 bankruptcy relief in May 2019, which was discharged in August 2019; and (c) is indebted to the Internal Revenue Service (IRS) for delinquent taxes in the estimated amount of \$17,695 for at least tax years 2013 through 2018. Allegedly, these tax debts remain unresolved and outstanding.

In her response to the SOR, Applicant admitted her bankruptcy filings and dispositions with explanations and clarifications. She claimed she filed for Chapter 13 relief in October 2019 to save her home from a foreclosure sale, relying on the advice of her father. She claimed, too, that she retained the services of a loan medication firm to

help her in the filing of a loan medication application. She further claimed that she filed for Chapter 7 bankruptcy relief in May 2019 to save her home from foreclosure sale after being denied mortgage assistance in July 2019. And, Applicant claimed that she could not find gainful work after she lost her job in April 2017 and earned income to support herself between September 2018 and October 2021 with low-paying equivalent full-time field inspector jobs.

Addressing delinquent tax allegations in the SOR, Applicant denied that all of her alleged delinquent tax debts were delinquent and provided explanations. She claimed that all of her tax returns for the stated years through 2017 were filed late with the help of a tax professional with expertise in expat tax filing. She further claimed her 2018 federal tax returns were timely filed and accepted by the IRS. She claimed, too, to have obtained a filing extension for tax year 2019 and timely filed her 2019 federal tax returns in August 2021. She claimed she did so with the hope that an installment agreement with the IRS could be established and payments initiated. And, she claimed to have already initiated payments under her June 2021 installment agreement with the IRS.

Findings of Fact

Applicant is a 45-year-old employee of a DoD contractor who seeks eligibility to hold a public trust position. (Tr. 22) Allegations covered in the SOR and admitted by Applicant are incorporated and adopted as relevant and material findings. Additional findings follow.

Background

Applicant has never been married and has no children. (GEs 1-2) She earned a bachelor's degree in poultry science in May 2009 and another bachelor's degree in business administration and health care in May 2000. (GEs 1-2; Tr. 22, 46-47) Applicant enlisted in the U.S. Army in January 1996 and served four years of active duty and four years of inactive reserve duty in the Army's Inactive Reserve. Applicant received an honorable discharge in January 2004. (GE 1)

Since October 2021, Applicant has been employed by her current employer (the same employer she worked for between November 2011 and April 2017). (GE 1; Tr. 66) She has been sponsored by her employer pending the outcome of her public trust eligibility application. Between February 2020 and October 2021, and between April 2017 and September 2018, she reported mostly experiencing unemployment, and relied on her savings and part-time earnings to fund her necessities. (GE 1; Tr. 60, 67). Overall, Applicant characterized her employment between April 2017 and October 2021 as unsteady. (Tr. 66-67)

Between November 2011 and April 2017, Applicant was employed by a defense contractor (and current employer) supporting U.S. combat troops in a Middle East country as a quality analyst. (GE 1 and AE D; Tr. 47-48, 59-60) After losing her analyst job following her employer's loss of its Government contract in April 2017, she could not find gainful work for many months. To support herself, she accepted low-paying field

inspector jobs on an independent contractor basis between September 2018 and October 2021. (GE 1 and AE D; Tr. 23) Between December 2004 and November 2011, Applicant worked as a test proctor for a non-defense employer. (GE 1 and AE D)

Applicant's finances

Citing unemployment and underemployment, and a desire to save her home from foreclosure, Applicant filed for Chapter 7 bankruptcy relief in May 2019. (GEs 4 and 6-7; Tr. 28-29) In her petition, she listed total assets of \$186,636 (inclusive of her residence valued at \$174,655) and liabilities of \$220,650. (GE 6) Applicant scheduled secured claims totaling \$158,400 (consisting of the mortgage on her home that called for monthly payments of \$1,164) and unsecured claims (mostly credit cards) totaling \$62,150. (GE 6; Tr. 30-31, 55, 61-62) Applicant's bankruptcy petition was discharged as a no-asset bankruptcy in August 2019. (GEs 2 and 6-7)

Following her Chapter 7 bankruptcy discharge in August 2019, Applicant continued to encounter financial difficulties over her efforts to save her home from foreclosure and public sale of her residence. While unemployed, she fell behind in her mortgage payments and attempted unsuccessfully to obtain a loan modification. (GEs 1-2) Facing limited financial resources, she petitioned for Chapter 13 bankruptcy relief in October 2019. (GE 5) Unable to prevent the sale of her home, she acquiesced in the dismissal of her Chapter 13 petition without ever finalizing an approved payment plan. (Tr. 65-66) Court records confirm the dismissal of Applicant's Chapter 13 bankruptcy petition in March 2021. (GE 5) The foreclosure of Applicant's mortgage did not leave any deficiency balance. (Tr. 34, 66)

While working in a Middle East country for her current employer supporting U.S. combat troops between 2011 and 2017, Applicant obtained extensions from the IRS that extended the required times for filing her federal tax returns for tax years 2013-2017. (AEs H-1, H-2, and L; Tr. 49-50) When her employer's contract expired in April 2017, she was separated and received an exit bonus from her then and current employer in the amount of \$10,000. (Tr. 48)

While employed abroad (2011-2017), Applicant regularly filed for extensions for those tax years. (Tr. 49-54) Once she returned to the United States in 2017, she retained a tax professional with expertise in tax filing for overseas clients. She retained this tax professional specifically to help her with filing her federal tax returns for the 2013-2017 tax years, which she did in late 2017. (HEs 1-3; Tr. 49-53) For these combined tax years, she accrued estimated tax deficiencies totaling \$17,695 for the combined years. This calculated deficiency balance included imposed interest and penalties. (GE 2; Tr. 54) For tax years 2018 and 2019, Applicant has filed her returns timely, as required. (HEs 1-3 and AEs H-1 and H-2; Tr. 53-54)

Addressing her delinquent federal taxes for tax years 2013-2017), Applicant entered into an installment agreement with the IRS in August 2021. (AE I; Tr. 44, 68-69) Her agreement followed months of her exchanges of information with the IRS, as a part of her concerted efforts to resolve her assessed tax deficiencies. (HEs 1-3; Tr. 44-45)

Once the IRS ceased to recognize her ensuing unemployment following her April 2017 employment separation, she moved swiftly with the aid of her tax professional to work out an installment agreement with the IRS. (Tr. 44-45)

Under the terms of her June 2021 installment agreement, Applicant obligated herself to making monthly payments of \$264. (AE I-1 and J-1-J-4) Three months later in November 2021, Applicant completed a revised installment agreement with the IRS to cover an additional tax year. (AEs I-2; Tr. 69-70) Payment terms under her revised IRS agreement called for increased monthly payments of \$284. (AEs I-2; Tr. 45) Applicant's payment receipts document her making the required regular monthly payments and staying in compliance with her agreement. (AEs I-2 and (J-1-J-13; Tr. 45-46)

Over the course of past three years, Applicant has managed her finances responsibly and is current with her creditors, while avoiding using her credit cards. (Tr. 37) She currently earns around \$76,000 a year (a considerable reduction from the \$118,000 she earned from the same employer before her separation in April 2017. (AE K; Tr. 47, 68) She has title loans and student loans that are either paid in full or in payment compliance with her lenders. (AEs O-1 and O-2; Tr. 38) And, her car is paid off.

For help in improving the management of her finances, Applicant completed on-line classes in January 2022 in financial recovery, money matters, and borrowing losses. (AEs J1-J3). Lessons learned and applied to the handling of her debts and accounts are difficult to assess without more evidence.

In Applicant's personal financial statement, she reported net monthly income of \$5,355 and monthly expenses (inclusive of her IRS payments) of \$3,748. (AE K; Tr. 39-41, 58-59) Applicant reported a monthly remainder of \$1,606. (AE K; Tr. 40) She has a 401(k) retirement fund with approximately \$10,000 in the fund and a savings account with \$10,000 in the account that is much less than the \$25,000 she maintained in her savings account before her loss of employment in April 2017. (Tr. 56) Her housing costs are covered by her current employer. (Tr. 39)

Endorsements and performance evaluations.

Applicant is well-regarded by her friends who know her well and find her to be reliable and trustworthy. (AEs F-1 and F-2) Applicant's performance evaluations for 2014 and 2015 (while employed abroad) credit her with exceeds requirements ratings in most rating categories in each of her evaluations. (AE E) Categories in which she achieved exceeds requirements ratings include attendance, job knowledge, quality of work, reliability, and values. (AE E)

Policies

By virtue of the jurisprudential principles recognized by the U.S. Supreme Court in *Department of the Navy v. Egan*, 484 U.S. 518, 528 (1988), "no one has a 'right' to a security clearance [and implicitly positions of trust]." 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. Eligibility for access to classified information [or for holding a public trust position] may only be granted “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, or for holding a public trust position, 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 AGs list guidelines to be considered by judges in the decision-making process covering DOHA cases. These guidelines take into account factors that could create a potential conflict of interest for the individual applicant, as well as considerations that could affect the individual’s reliability, trustworthiness, and ability to protect classified information, or to hold a public trust position. These guidelines include conditions that could raise a trust concern and may be disqualifying (disqualifying conditions), if any, and all of the conditions that could mitigate trust concerns, if any. These guidelines must be considered before deciding whether or not eligibility to access classified information or hold a public trust position should be granted, continued, or denied. Although, the guidelines do not require judges to place exclusive reliance on the enumerated disqualifying and mitigating conditions in the guidelines in arriving at a decision.

In addition to the relevant AGs, judges must take into account the pertinent considerations for assessing extenuation and mitigation set forth in ¶ 2(a) of the AGs, which are intended to assist the judges in reaching a fair and impartial, commonsense decision based on a careful consideration of the pertinent guidelines within the context of the whole person. The adjudicative process is designed to examine a sufficient period of an applicant’s life to enable predictive judgments to be made about whether the applicant is an acceptable trust risk.

When evaluating an applicant’s conduct, the relevant guidelines are to be considered together with the following ¶ 2(d) factors: (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 of the conduct; (8) the potential for pressure, coercion, exploitation, or duress; and (9) the likelihood of continuation or recurrence.

Viewing the issues raised and evidence as a whole, the following individual guidelines are pertinent herein:

Financial Considerations

The Concern: Failure or inability 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 or 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 acts or otherwise questionable acts to generate funds. . . . AG ¶ 18.

Burdens of Proof

The Government reposes a high degree of trust and confidence in persons with access to classified information, or who hold a public trust position. 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 protect classified information [and implicitly privacy information]. Such decisions entail a certain degree of legally permissible extrapolation about potential, rather than actual, risk of compromise of classified information [and implicitly privacy information]. Eligibility 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. See *also* Exec. Or. 12968 (Aug. 2, 1995), § 3.1.

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 to hold a public trust position. 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 trustworthiness 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 [or public trust eligibility]." 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 [and public trust position eligibility] should err, if they must, on the side of denials.” *Egan*, 484 U.S. at 531; see AG ¶ 2(b).

Analysis

Security concerns are raised over Applicant’s two bankruptcy filings and debts accrued for delinquent federal taxes owed for tax years 2013-2018. While the tax debts have since been covered by installment agreements with the IRS, they raise trust, reliability, and judgment concerns about her current and future ability to manage her finances safely and responsibly.

Jurisdictional issues

Holding a public trust position involves the exercise of important fiducial responsibilities, among which is the expectancy of consistent trust and candor in protecting and guarding personally identifiable information (PII). DoD Manual 5200.02, which incorporated and canceled DoD Regulation 5200-2-R, covers both critical-sensitive and non-critical sensitive security [trust] positions for civilian personnel. See 5200-.02, ¶ 4.1a(3)(c).

Definitions for critical-sensitive and non-critical positions provided in 5200.02, ¶ 4.1a(3)(c), contain descriptions similar to those used to define ADP I and II positions under DoD Regulation 5200-2-R (32 C.F.R. § 154.13 and Part 154, App. J) ADP positions are broken down as follows in C.F.R. § 154.13 and Part 154, App. J): ADP I (critical-sensitive positions covering the direction, design, and planning of computer systems) and ADP II (non-critical-sensitive positions covering the design, operation, and maintenance of computer systems). Considered together, the ADP I and ADP II positions covered in DoD regulation 5200.2-R refine and explain the same critical-sensitive positions covered in DoD Manual 5200.02, § 4.1a(3)(c) and are reconcilable as included positions in 5200.02.

So, while ADP trustworthiness positions are not expressly identified in DoD Manual 5200.02, they are implicitly covered as non-critical-sensitive positions that require access to automated systems that contain active duty, guard, or personally identifiable information or information pertaining to Service members that is otherwise protected from disclosure by DoD Manual 5200.02. ADP cases continue to be covered by the process afforded by DoD 5220.6. See ADP Case No. 18-00679 at 3 (App. Bd. Oct. 17, 2019); ADP Case No. 17-03252 (App. Bd. Aug. 13, 2018).

Financial concerns

Applicant’s two successive bankruptcy petitions in 2019 and owed federal taxes for tax years 2013-2018 warrant the application of three of the disqualifying conditions (DC) of the financial consideration guidelines: DC ¶¶ 19(a), “inability to satisfy debts”; 19(c), “a history of not meeting financial obligations,” and 19(f), “failure to file or fraudulently filing annual Federal, state, or local income tax returns, or failure to pay

annual Federal, state, or local income tax as required.” Each of these DCs apply to Applicant’s situation.

Applicant’s admitted debts with explanations require no independent proof to substantiate them. See Directive 5220.6 at E3.1.1.14; *McCormick on Evidence* § 262 (6th ed. 2006). Her admitted bankruptcy filings and dispositions, and her accumulation of owed federal taxes to the IRS, are fully documented and create judgment issues as well over the management of her finances. See ISCR Case No. 03-01059 (App. Bd. Sept. 24, 2004). Although she qualified her admissions with explanations, her admissions can be weighed along with other evidence developed during the hearing.

Financial stability in a person cleared to protect classified and privacy information is required precisely to inspire trust and confidence in the holder of a security clearance or public trust position that entitles the person to access classified or privacy-protected information. While the principal concern of a security clearance or public trust holder’s demonstrated financial difficulties is vulnerability to coercion and influence, judgment and trust concerns are implicit in cases involving debt delinquencies.

Historically, the timing of addressing and resolving tax and other debt delinquencies are critical to an assessment of an applicant’s trustworthiness, reliability, and good judgment in following rules and guidelines necessary for those seeking access to classified information, or to holding a public trust position. See ISCR Case No. 14-06808 at 3 (App. Bd. Nov. 23, 2016); ISCR Case No. 14-01894 at 5 (App. Bd. Aug. 18, 2015).

Applicant’s cited financial difficulties associated with her bankruptcy filings and accrued back federal taxes owed are accompanied by considerable extenuating circumstances. Considered together contextually, these circumstances enable her to take advantage of several of the potentially available extenuating and mitigating benefits. Application of mitigating condition MC ¶ 20(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,” fully applies to Applicant’s situation. Applicable mitigating conditions include MC ¶¶ 20(d), “the individual initiated and is adhering to a good-faith effort to repay overdue creditors or otherwise debts” and 20(g), “the individual has made arrangements with the appropriate tax authority to file or pay the amount owed and is in compliance with those arrangements.”

While partial credit is warranted for the recent on-line steps Applicant took to educate herself on financial, money, and borrowing losses, it is still too early to fully evaluate the counseling benefits she gained from these courses. Accordingly, MC ¶ 20(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 received or is under control,” has limited application to Applicant’s situation.

In evaluating Guideline F cases, the Appeal Board has stressed the importance of a “meaningful track record” that includes evidence of actual debt reduction through the voluntary payment of accrued debts. ISCR case No. 07-06482 at 2-3 (App. Bd. May 21, 2008) In Applicant’s case, she entered into installment agreements with the IRS in 2021 and is current with her obligated monthly payments. Her collective efforts provide persuasive proof of her voluntary efforts to resolve these debts.

The Appeal Board has consistently imposed evidentiary burdens on applicants to provide documentation corroborating actions taken to resolve financial problems, whether the issues relate to back taxes owed, consumer, medical, or other debts and accounts (inclusive of mortgages). See ISCR Case No. 19-02593 at 4-5 (App. Bd. Oct. 18, 2021); ISCR Case No. 19-01599 at 3 (App. Bd. Jan. 20, 2020).

In Applicant’s case, her installment agreements were not consummated until after the issuance of the SOR in May 2021, her agreements were preceded by months of communications initiated by Applicant and her tax professional with the IRS following her return to the United States in 2017. As such, her 2021 installment agreements (while post-dating the SOR) do not reflect poor judgment or disregard of IRS tax filing and payment responsibilities in addressing her tax obligations. *Compare* ISCR Case No. 14-06808 at 2 (App. Bd. Nov. 23, 2016); ISCR Case No. 14-00221 at 2-5 (App. Bd. June 29, 2016); and ISCR Case No. 14-01894 at 5-6 (App. Bd. August 18, 2015).

Whole-person assessment

Whole-person assessment of Applicant’s public trust eligibility requires consideration of whether her finances are fully compatible with minimum standards for holding a public trust position. Applicant is entitled to credit for not only her work in supporting DoD defense efforts for a number of years in a Middle East country (2011-2017 and 2021), but also for the trust she has inspired from friends who know and trust her, and most importantly, for the proactive initiatives she has mounted to address her mortgage and tax debts and restore her finances to stable levels.

Overall trustworthiness, reliability, and good judgment have been established. Based on a consideration of all of the facts and circumstances considered in this case, it is safe to make predictions that Applicant will be able to undertake reasoned, good-faith efforts to maintain her finances in stable order within the foreseeable future.

I have carefully applied the law, as set forth in *Department of Navy v. Egan*, 484 U.S. 518 (1988), Exec. Or. 10865, the Directive, and the AGs, to the facts and circumstances in the context of the whole person. I conclude financial considerations trustworthiness concerns are mitigated. Eligibility to hold a public trust position is granted.

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:

Guideline F (FINANCIAL CONSIDERATIONS): FOR APPLICANT

Subparagraphs 1.a-1.c:

For Applicant

Conclusion

In light of all of the circumstances presented by the record in this case, it is clearly consistent with the national interest to grant Applicant eligibility for holding a public trust position. Eligibility for holding a public trust position is granted.

Roger C. Wesley
Administrative Judge