



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



In the matter of:)
)
) ISCR Case No. 21-02805
)
Applicant for Security Clearance)

Appearances

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

12/01/2022

Decision

GALES, Robert Robinson, Administrative Judge:

Applicant mitigated the security concerns regarding financial considerations. Eligibility for a security clearance is granted.

Statement of the Case

On January 22, 2021, Applicant applied for a security clearance and submitted a Questionnaire for National Security Positions (SF 86). On April 5, 2022, the Defense Counterintelligence and Security Agency (DCSA) Consolidated Adjudications Facility (CAF) issued a Statement of Reasons (SOR) to him under Executive Order (Exec. Or.) 10865, *Safeguarding Classified Information within Industry* (February 20, 1960), as amended and modified; DOD Directive 5220.6, *Defense Industrial Personnel Security Clearance Review Program* (January 2, 1992), as amended and modified (Directive); and Directive 4 of the Security Executive Agent (SEAD 4), *National Security Adjudicative Guidelines* (December 10, 2016) (AG), effective June 8, 2017.

The SOR alleged security concerns under Guideline F (Financial Considerations) and detailed reasons why the DCSA adjudicators were unable to find that it is clearly consistent with the national interest to grant or continue a security clearance for Applicant.

The SOR recommended referral to an administrative judge to determine whether a clearance should be granted, continued, denied, or revoked.

On April 26, 2022, Applicant responded to the SOR and elected to have his case decided on the written record in lieu of a hearing. (Item 1) A complete copy of the Government's file of relevant material (FORM) was mailed to Applicant by the Defense Office of Hearings and Appeals (DOHA) on August 16, 2022, and he was afforded an opportunity after receipt of the FORM to file objections and submit material in refutation, extenuation, or mitigation. In addition to the FORM, he was furnished a copy of the Directive as well as the Adjudicative Guidelines applicable to his case. Applicant received the FORM on August 24, 2022. His response was due on September 23, 2022. Applicant timely responded to the FORM, submitted five documents that were marked and admitted without objection as Applicant Exhibits (AE) A through AE E. The case was assigned to me on November 8, 2022. The record closed on September 23, 2022.

Findings of Fact

In his response to the SOR, Applicant admitted, with comments, all of the SOR allegations pertaining to financial considerations (SOR ¶¶ 1.a. through 1.t.). Applicant's admissions and comments are incorporated herein. After a complete and thorough review of the evidence in the record, and upon due consideration of same, I make the following findings of fact:

Background

Applicant is a 50-year-old employee of a defense contractor. He has been serving as a consultant for his sponsor since April 2020. He reported that he was previously self-employed or employed by other employers in a number of briefly-held part-time and full-time positions since 2014. He was unemployed for two periods (January 2020 – April 2020, during which he collected unemployment benefits while watching television; and November 2016 – January 2017, during which he supported himself with his savings and visited his mother overseas). He received a bachelor's degree in 1996. He has never served in the U.S. military. He has never held a security clearance. He was married in 2018. He indicated that he has one daughter.

Financial Considerations

General source information pertaining to the financial accounts discussed below can be found in the following exhibits: Item 1 (Answer to the SOR, dated April 26, 2022); Item 2 (SF 86, dated January 22, 2021); Item 3 (Enhanced Subject Interview, dated February 23, 2021); Item 4 (Combined Experian, TransUnion, and Equifax Credit Report, dated February 11, 2021); and Item 5 (Verato Credit Report, dated September 22, 2021).

In is SF 86, Applicant acknowledged having some financial issues. He listed 12 delinquent accounts and stated that he was either disputing some of them or working on paying them off. He attributed his financial situation to unemployment, which purportedly commenced in 2018. (Item 2 at 43-53) On February 23, 2021, he was interviewed by an

investigator with the U.S. Office of Personnel Management (OPM). During that interview, he described his delinquent accounts and claimed that his periods of unemployment contributed to his financial difficulties. He said he prioritized his accounts and was trying to satisfy living expenses. The investigator offered him the opportunity to furnish financial documentation to support his claims, but he did not do so. (Item 3 at 15)

In his Answer to the SOR, Applicant provided a “quick summary of recent events that caused [him] to use [his] credit.” He indicated that he had been working in several low paying jobs – sometimes two or three at a time – just to bring in income to support his family. He had to use his credit to help pay his bills, but he still was unable to make minimum payments. He finally obtained a good-paying job and started making payments, but in January 2020, everything changed. He was admitted to the emergency room and purportedly experienced significant medical issues, and was diagnosed with cirrhosis, anemia, encephalopathy (brain disease), and esophageal varices. He returned to work but was laid off during a reorganization. He was again hospitalized and purportedly almost died. During the same period, his wife also got sick and was admitted to the hospital where she was diagnosed with a brain tumor. Her employer fired her. His daughter was placed in a mental hospital for suicidal thoughts, depression, and delusions. After his wife obtained another good-paying job, they focused on paying their medical bills, and intend to move on to addressing their other delinquent accounts. (Item 1 at 1) He failed to submit any documentation to verify his claims regarding the medical issues for himself or his family; his wife’s employment issues; or any activity regarding paying off medical bills.

In his Response to the FORM, Applicant added the following, “As my wife and I are dying of separate medical conditions, my first priority is to pay the many doctors and the hospital bills that we have.” He added that he had entered a credit card settlement program that includes 11 accounts that consists of over \$31,000 of the debt listed.” (AE A) He also submitted documentation regarding the settlement program (AE B; AE C), as well as statements from two creditors indicating that the accounts had been resolved. (AE D; AE E)

Evidence submitted by the government indicates that several of Applicant’s accounts have been settled for less than full balance; paid off; or paid account/zero balance. (Item 4 at 11-16; Item 5 at 6) Evidence submitted by Applicant indicates that there are ten accounts in his settlement program, totaling \$31,583, and that commencing on October 28, 2022, he was required to make a monthly payment of \$501.66 to start the program. (AE B; AE C) In addition, there are three accounts that are reported as having been disputed after resolution (DAR), with two of those accounts in the settlement program. The actual status of those accounts is that they appear to have been resolved.

The SOR alleged 20 still-delinquent accounts totaling approximately \$55,404, that can be separated into three different groups (paid off or otherwise resolved, including those in the DAR status; in the settlement program and in the process of being addressed; and those not yet in the process of being resolved), as set forth below:

1 – Those accounts that have been paid off or otherwise resolved, including those in the DAR status:

SOR ¶ 1.r. refers to a credit-card account with an unpaid balance of \$317 that was placed for collection. (Item 3 at 8, 11; Item 4 at 6; Item 5 at 5) Applicant paid the creditor \$205.94 on September 22, 2022, to resolve the account, and there is now a zero balance. (AE D) The account has been resolved.

SOR ¶ 1.f. refers to a credit-card account with an unpaid balance of \$3,944 that was placed for collection. (Item 3 at 10; Item 4 at 7; Item 5 at 3) The account is in the settlement program, but also reflects a DAR status. It appears to have been resolved.

SOR ¶ 1.g. refers to an apartment lease with an unpaid balance of \$2,906 that was placed for collection. (Item 3 at 9; Item 4 at 7; Item 5 at 3) The account is in the DAR status, and appears to have been resolved.

SOR ¶ 1.h. refers to a credit-card account with an unpaid balance of \$2,636 that was placed for collection. (Item 3 at 7; Item 4 at 7; Item 5 at 3) The account is in the settlement program, but also reflects a DAR status. It appears to have been resolved.

2 – Those accounts that are in his settlement program and are in the process of being addressed:

SOR ¶ 1.b. refers to an unspecified type of account with an unpaid balance of \$9,544 that was placed for collection. (Item 5 at 2) The account has not yet been resolved.

SOR ¶ 1.d. refers to a credit-card account with an unpaid balance of \$6,034 that was placed for collection. (Item 3 at 8; Item 4 at 6; Item 5 at 3) The account has not yet been resolved.

SOR ¶ 1.e. refers to a credit-card account with an unpaid balance of \$5,436 that was placed for collection. (Item 3 at 7-8; Item 4 at 6; Item 5 at 3) The account has not yet been resolved.

SOR ¶ 1.i. refers to a credit-card account with an unpaid balance of \$1,384 that was placed for collection. (Item 4 at 7; Item 5 at 3) The account has not yet been resolved.

SOR ¶ 1.j. refers to a credit-card account with an unpaid balance of \$686 that was placed for collection. (Item 3 at 9, 12; Item 4 at 8; Item 5 at 4) The account has not yet been resolved.

SOR ¶ 1.k. refers to a credit-card account with an unpaid balance of \$5,436 that was placed for collection and charged off. (Item 3 at 7-8; Item 4 at 6; Item 5 at 3) The account has not yet been resolved.

SOR ¶ 1.n. refers to a credit-card account with an unpaid balance of \$541 that was placed for collection. (Item 3 at 8, 12; Item 4 at 9; Item 5 at 4) The account has not yet been resolved.

3 – Those accounts not yet in the process of being resolved:

SOR ¶ 1.a. refers to an unspecified type of account with an unpaid balance of \$10,605 that was placed for collection. (Item 4 at 4; Item 5 at 2) The account has not been resolved.

SOR ¶ 1.c. refers to a credit-card account with an unpaid balance of \$7,842 that was placed for collection. (Item 4 at 6; Item 5 at 2) The account has not been resolved.

SOR ¶ 1.i. refers to a credit-card account with an unpaid balance of \$664 that was placed for collection. (Item 3 at 12; Item 4 at 8; Item 5 at 4) The account has not been resolved.

SOR ¶ 1.m. refers to a credit-card account with an unpaid balance of \$634 that was placed for collection. (Item 3 at 12; Item 4 at 9; Item 5 at 4) The account has not been resolved.

SOR ¶ 1.o. refers to a credit-card account with an unpaid balance of \$378 that was placed for collection. (Item 3 at 11-12; Item 4 at 9; Item 5 at 4) The account has not been resolved.

SOR ¶ 1.p. is a power-utility account with an unpaid balance of \$349 that was placed for collection. (Item 3 at 9, 11; Item 4 at 10; Item 5 at 5) The account has not been resolved.

SOR ¶ 1.q. refers to an unspecified type of account with an unpaid balance of \$327 that was placed for collection. (Item 3 at 11; Item 4 at 10; Item 5 at 5) The account has not been resolved.

SOR ¶ 1.s. refers to an Internet or cellular communications account with an unpaid balance of \$207 that was placed for collection. (Item 3 at 10; Item 4 at 10; Item 5 at 5) The account has not been resolved.

SOR ¶ 1.t. refers to an insurance account with an unpaid balance of \$126 that was placed for collection. (Item 9 at 9; Item 4 at 11; Item 5 at 5) The account has not been resolved.

There is no evidence of financial counseling, a budget, or anything to describe with any specificity Applicant's current financial situation. Applicant made unverified claims that he has focused on paying off his medical bills and that his wife is once again making a good salary. He did not report his net monthly income, his monthly household expenses, or any specific monthly debt payments, for even the most insignificant of his delinquent debts such as the \$126 insurance debt or the \$207 Internet or cellular communications debt. In the absence of such information, I am unable to determine if he has any monthly remainder available for savings or spending. There is a paucity of evidence to indicate that his financial problems are now under control, and it is difficult to determine if Applicant is currently in a better position financially than he had been. The exception to that general

statement is that some delinquent accounts have been resolved and others appear to be in the process of being so.

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. The President has authorized the Secretary of Defense or his designee to grant an applicant 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 and modified.)

When evaluating an applicant’s suitability for a security clearance, the administrative judge must consider the guidelines in SEAD 4. In addition to brief introductory explanations for each guideline, the guidelines list potentially disqualifying conditions and mitigating conditions, which are used in evaluating an applicant’s eligibility for access to classified information.

An administrative judge need not view the guidelines as inflexible, ironclad rules of law. Instead, acknowledging the complexities of human behavior, these guidelines are applied in conjunction with the factors listed in the adjudicative process. The administrative judge’s overarching adjudicative goal is a fair, impartial, and commonsense decision. 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 meaningful decision.

In the decision-making process, facts must be established by “substantial evidence.” “Substantial evidence [is] such relevant evidence as a reasonable mind might accept as adequate to support a conclusion in light of all contrary evidence in the record.” (ISCR Case No. 04-11463 at 2 (App. Bd. Aug. 4, 2006) (citing Directive ¶ E3.1.32.1)) “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 Government initially has the burden of producing evidence to establish a potentially disqualifying condition under the Directive, and has the burden of establishing controverted facts alleged in the SOR. Once the Government has produced substantial evidence of a disqualifying condition, under Directive ¶ E3.1.15, the applicant has the burden of persuasion to present evidence in refutation, explanation, extenuation or mitigation, sufficient to overcome the doubts raised by the Government’s case. The burden of disproving a mitigating condition never shifts to the Government. (See ISCR Case No. 02-31154 at 5 (App. Bd. Sept. 22, 2005))

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 as well. It is because of this special relationship that the Government must be able to repose a high degree of trust and confidence in those individuals to whom it grants access to classified information. Decisions include, by necessity, consideration of the possible risk the applicant may deliberately or inadvertently fail to safeguard classified information. Such decisions entail a certain degree of legally permissible extrapolation as to potential, rather than actual, risk of compromise of classified information. Furthermore, "security clearance determinations should err, if they must, on the side of denials." (*Egan*, 484 U.S. at 531)

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 I have based this decision, in whole or in part, on any express or implied determination as to Applicant's allegiance, loyalty, or patriotism. It is merely an indication the Applicant has or has not met the strict guidelines the President and the Secretary of Defense have established for issuing a clearance. In reaching this decision, I have drawn only those conclusions that are reasonable, logical, and based on the evidence contained in the record. Likewise, I have avoided drawing inferences grounded on mere speculation or conjecture.

Analysis

Guideline F, Financial Considerations

The security concern relating to the guideline for Financial Considerations is set out in AG ¶ 18:

Failure to live within one's means, satisfy debts, and meet financial obligations may indicate poor self-control, lack of judgment, or unwillingness to abide by rules and regulations, all of which can raise questions about an individual's reliability, trustworthiness, and ability to protect classified or sensitive information. Financial distress can also be caused or exacerbated by, and thus can be a possible indicator of, other issues of personnel security concern such as excessive gambling, mental health conditions, substance misuse, or alcohol abuse or dependence. An individual who is financially overextended is at greater risk of having to engage in illegal or otherwise questionable acts to generate funds. Affluence that cannot be explained by known sources of income is also a security concern insofar as it may result from criminal activity, including espionage.

The guideline notes several conditions that could raise security concerns under AG ¶ 19:

(a) inability to satisfy debts;

- (b) unwillingness to satisfy debts regardless of the ability to do so; and
- (c) a history of not meeting financial obligations.

The SOR alleged 20 still-delinquent accounts totaling approximately \$55,404. Applicant attributed his inability to maintain those accounts in a current status to several factors, described more fully above. AG ¶¶ 19(a) and 19(c) have been established, but there is no evidence that Applicant has been unwilling to satisfy his debts regardless of an ability to do so, and AG ¶ 19(b) has not been established.

The guideline also includes examples of conditions that could mitigate security concerns arising from financial difficulties under AG ¶ 20:

- (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.

AG ¶¶ 20(a), 20(b), 20(c), and 20(d) apply. Applicant acknowledged having some financial issues, and he initially attributed his financial situation to unemployment. In January 2020, unexpected medical issues commenced involving Applicant, his wife, and his daughter. As a result of those combined issues, he focused in paying his medical bills with the eventual intention of transitioning to his other delinquent accounts. Applicant had several significant medical issues – all largely beyond his control – and was diagnosed with cirrhosis, anemia, encephalopathy (brain disease), and esophageal varices. He lost his job. His wife was diagnosed with a brain tumor. Her employer fired her. Their daughter was placed in a mental hospital for suicidal thoughts, depression, and delusions. After he and his wife obtained other good-paying jobs, they focused on paying their medical bills, and will then move on to addressing their other delinquent accounts. It appears that the

transition has already begun and some accounts have been resolved. As noted above, in his Response to the FORM, Applicant said: “As my wife and I are dying of separate medical conditions, my first priority is to pay the many doctors and the hospital bills that we have.” He entered a credit card settlement program that includes 10 different accounts.

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))).

Based on the evidence, it appears that Applicant acted in a reasonable manner when dealing with the significant medical issues over which he had no control. Treatment came first, followed by efforts to maintain his medical accounts current, something he appears to have been successful in doing as no medical accounts are delinquent. The double whammy of losing his job and his wife’s job interrupted his efforts. However, with new jobs they returned to their intended course of action. In an effort to address his other delinquent accounts, he entered into a settlement program. The Appeal Board has previously commented on such a situation:

Even if Applicant’s financial difficulties initially arose, in whole or in part, due to circumstances outside his [or her] 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. 99-0462 at 4 (App. Bd. May 25, 2000); ISCR Case No. 99-0012 at 4 (App. Bd. Dec. 1, 1999); ISCR Case No. 03-13096 at 4 (App. Bd. Nov. 29, 2005)). A component is whether he or she maintained contact with creditors and attempted to negotiate partial payments to keep debts current.

An applicant who begins to resolve his financial problems only after being placed on notice that his or her security clearance is in jeopardy may be lacking in the judgment and self-discipline to follow rules and regulations over time or when there is no immediate threat to his or her own interests. (See, e.g., ISCR Case No. 17-01213 at 5 (App. Bd. Jun. 29, 2018); ISCR Case No. 17-00569 at 3-4 (App. Bd. Sept. 18, 2018) In this instance, Applicant and his wife, both of whom are purportedly dying of separate medical conditions, have initially focused on their medical bills before turning to their other bills. The transition has begun and other delinquent bills have been resolved or are in the process of being resolved.

Clearance decisions are aimed at evaluating an applicant’s judgment, reliability, and trustworthiness. They are not a debt-collection procedure. The guidelines do not require an applicant to establish resolution of every debt or issue alleged in the SOR. An applicant needs only to establish a plan to resolve financial problems and take significant actions to implement the plan. **There is no requirement that an applicant immediately resolve issues or make payments on all delinquent debts simultaneously, nor is**

there a requirement that the debts or issues alleged in an SOR be resolved first. Rather, a reasonable plan and concomitant conduct may provide for the payment of such debts, or resolution of such issues, one at a time. Mere promises to pay debts in the future, without further confirmed action, are insufficient. In this instance, Applicant offered some specifics regarding past or proposed repayment efforts; submitted some documentary evidence to reflect some payments made; and entered into the settlement program.

The Appeal Board has previously explained what constitutes a good-faith effort to repay overdue creditors or otherwise resolve debts:

In order to qualify for application of [the “good-faith” mitigating condition], an applicant must present evidence showing either a good-faith effort to repay overdue creditors or some other good-faith action aimed at resolving the applicant’s debts. The Directive does not define the term “good-faith.” However, the Board has indicated that the concept of good-faith “requires a showing that a person acts in a way that shows reasonableness, prudence, honesty, and adherence to duty or obligation.”

(internal citation and footnote omitted) ISCR Case No. 02-30304 at 3 (App. Bd. Apr. 20, 2004) (quoting ISCR Case No. 99-9020 at 5-6 (App. Bd. Jun. 4, 2001)).

On June 30, 2008, the President issued Executive Order (Exec. Or.) 13467, *Reforming Processes related to Suitability for Government Employment, Fitness for Contractor Employees, and Eligibility for Access to Classified National Security Information*. The Continuous Evaluation Program (CEP) was essentially established in 2017, because on December 14, 2016, Directive 3 was issued by the Security Executive Agent (SEAD 3), *Reporting Requirements for Personnel with Access to Classified Information or Who Hold a Sensitive Position*, effective June 12, 2017. SEAD 3 established reporting requirements for all covered individuals who have access to classified information or hold a sensitive position. Because Applicant’s medical and financial situations are known to the DCSA and his employer, his security manager and the CEP will periodically review and evaluate Applicant’s continuing efforts to resolve his delinquent debts. Should Applicant falter in those efforts, an incident report will be generated to enable an updated security eligibility analysis.

There is no verifiable evidence of financial counseling, a budget, or current financial information. Nevertheless, Applicant’s actions under the circumstances do not cast doubt on his current reliability, trustworthiness, and good judgment. See ISCR Case No. 09-08533 at 3-4 (App. Bd. Oct. 6, 2010).

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 SEAD 4, App. A, ¶ 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 SEAD 4, App. A, ¶ 2(c), the 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. Moreover, I have evaluated the various aspects of this case in light of the totality of the record evidence and have not merely performed a piecemeal analysis. See *U.S. v. Bottone*, 365 F.2d 389, 392 (2d Cir. 1966); see also ISCR Case No. 03-22861 at 2-3 (App. Bd. Jun. 2, 2006).

There is some disqualifying evidence regarding Applicant's financial considerations. The SOR alleged 20 still-delinquent accounts totaling approximately \$55,404. Applicant attributed his inability to maintain those accounts in a current status to several factors, described more fully above. He was unemployed for two periods (January 2020 – April 2020, during which he collected unemployment benefits while watching television; and November 2016 – January 2017, during which he supported himself with his savings and visited his mother overseas). He reported little or minimal effort to seek other employment. He failed to submit any documentation to verify his claims regarding the medical issues for himself or his family; his wife's employment issues; or any activity regarding paying off medical bills. Most of his reported delinquent accounts are still unresolved.

The mitigating evidence under the whole-person concept is simply more substantial and compelling. Applicant is a 50-year-old employee of a defense contractor. He has been serving as a consultant for his sponsor since April 2020. He reported that he was previously self-employed or employed by other employers in a number of briefly-held part-time and full-time positions since 2014. He received a bachelor's degree in 1996. Applicant had several significant medical issues – all largely beyond his control – and he lost his job. His wife was also diagnosed with a serious medical condition, and she lost her job. Their daughter had serious psychological conditions. After he and his wife obtained other good-paying jobs, they focused on paying their medical bills, and will then move on to addressing their other delinquent accounts. It appears that the transition has already begun, and some accounts have been resolved. He entered a credit card settlement program that includes 10 different accounts. Because Applicant's medical and

financial situations are known to the DCSA and his employer, his security manager and the CEP will periodically review and evaluate Applicant's continuing efforts to resolve his delinquent debts. Should Applicant falter in those efforts, an incident report will be generated to enable an updated security eligibility analysis.

Applicant's track record of claimed or verifiable efforts to resolve the debts is growing and improving, and, considering the medical circumstances his family has been dealt, his efforts have been reasonable, positive, and encouraging. Overall, the evidence leaves me without substantial questions and doubts as to Applicant's eligibility and suitability for a security clearance. Accordingly, I conclude Applicant has successfully mitigated the security concerns arising from his financial considerations. See SEAD 4, App. A, ¶¶ 2(d) (1) through AG 2(d) (9).

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:	FOR APPLICANT
Subparagraphs 1.a. through 1.t.:	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 a security clearance. Eligibility for access to classified information is granted.

ROBERT ROBINSON GALES
Administrative Judge