



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



In the matter of:)
)
) ISCR Case No. 21-02033
)
Applicant for Security Clearance)

Appearances

For Government: Andre M. Gregorian, Esquire, Department Counsel
For Applicant: *Pro se*

02/08/2022

Decision

GALES, Robert Robinson, Administrative Judge:

Applicant failed to mitigate the security concerns regarding financial considerations. Eligibility for a security clearance is denied.

Statement of the Case

On November 30, 2020, Applicant applied for a security clearance and submitted a Questionnaire for National Security Positions (SF 86). On an unspecified date, the Department of Defense (DOD) Consolidated Adjudications Facility (CAF) issued him a set of interrogatories. He responded to those interrogatories on July 1, 2021. On September 29, 2021, the Defense Counterintelligence and Security Agency (DCSA) CAF, the successor to the DOD 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 October 12, 2021, 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 November 16, 2021, 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, Applicant was furnished a copy of the Directive as well as the Adjudicative Guidelines applicable to his case. Applicant received the FORM on December 10, 2021. His response was due on January 9, 2022. Applicant timely responded to the FORM and submitted a statement and several documents (marked as Exhibits D through Exhibit G) to which there were no objections. The case was assigned to me on February 1, 2022. The record closed on January 9, 2022.

Findings of Fact

In his response to the SOR, Applicant admitted, with brief comments, all of the SOR allegations pertaining to financial considerations (SOR ¶¶ 1.a. through 1.c.). Attached to the Answer were several documents which were marked as Exhibits A through Exhibit C. Applicant's admissions and comments, as well as the information in the exhibits, 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 52-year-old employee of a defense contractor. He has been serving as a senior electrical engineer with his current employer since October 2020. He was previously employed by other companies as a senior electrical engineer (April 2019 – October 2020); senior hardware engineer (February 1999 – January 2019); and part-time as an adjunct professor with a community college (August 2008 – June 2013). He was briefly unemployed after being laid off (February 2019 – April 2019). His preliminary education was not reported. He received a bachelor's degree in electrical engineering in 1991 and a master's degree in electrical engineering in 2005, both from a foreign university, and has been attending an American university on an infrequent basis over the years, but has not received any other degree. He has never served with the U.S. military. He was never granted a security clearance. He was married in 1998 and divorced in 2014. He remarried in 2015. He has one biological child, born in 2016, and two adopted children, born in 1988 and 1993.

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 October 21, 2021); Item 2 (SF 86, dated November 30, 2020); Item 3 (Answers to Interrogatories, dated July 1, 2021); Item 4 (Combined Experian, TransUnion, and Equifax Credit Report, dated December 22, 2020); and Item 6 (Enhanced Subject Interview, dated December 30, 2020).

In his November 2020 SF 86, Applicant denied having any delinquent accounts or negative financial issues during the last seven years. (Item 2 at 62) One month later, on December 30, 2020, he was interviewed by an investigator from the U.S. Office of Personnel Management (OPM). During that interview, he acknowledged that as a result of his 2014 divorce, and an inability to maintain his accounts in a current status, a number of accounts became delinquent. (Item 6 at 11-13) In his Answers to the Interrogatories, he admitted that three of the four accounts identified in the interrogatories had still not been paid. (Item 3 at 36-37) He added that the debts were incurred in his name during his former marriage. As a result of the divorce, he was left with several debts in particular, and he could not pay them at the time. Over the ensuing years, despite various collection efforts by the creditors and collection agencies, because Applicant was rebuilding his life and initially could not pay the debts, on the advice of an attorney, he decided to allow the statute of limitations to run so that he would be no longer legally liable for the debts. In 2019, he contacted one of his creditors, the holder of two separate debts, in an effort to reach a settlement compromise, but they could not reach a settlement. The creditor offered to settle those accounts for 55 per cent of the unpaid balance, but Applicant was only willing to pay 25 per cent. (Item 3 at 42)

In his Answer to the SOR, Applicant restated his earlier position. He and his attorney noted that the most recent payments for his delinquent debts occurred in 2014, and the statute of limitations had run freeing him from legal liability for the debts. He also submitted a credit report, dated October 22, 2021, that indicated several of his debts would be removed from his credit report during 2021-2022. (Exhibit A) On November 16, 2021, Applicant requested Equifax to place a security freeze on his credit file denying access to the report. (Item 5 (Request for Security Freeze, dated November 16, 2021)

The SOR alleged three still-delinquent accounts totaling approximately \$21,797, as set forth below:

SOR ¶ 1.a. is a bank credit-card account with an unpaid balance of approximately \$14,702 that was placed for collection and charged off. Applicant used the card to pay for family and school expenses while married to his first wife. (Item 4 at 4; Item 6 at 11) Other than his earlier unsuccessful efforts to have the creditor reduce the balance to 25 per cent, he has refused to pay the unpaid balance despite now having the ability to do so. The account no longer appears in his most recent credit reports. (Exhibit D (Statement, dated December 11, 2021); Exhibit E (TransUnion Credit Report, dated December 11, 2021); Exhibit F (Experian Credit Report, dated December 11, 2021); Exhibit G (Equifax Credit Report, dated December 11, 2021) While the statute of limitations may have run,

and the account is no longer being reported in his credit reports, the account remains unresolved.

SOR ¶ 1.b. is a bank line of credit with an unpaid balance of \$3,579 that was placed for collection and charged off. Applicant used the account to pay for a relocation in 2005 and subsequent family expenses while married to his first wife. (Item 4 at 5; Item 6 at 11) Other than his earlier unsuccessful efforts to have the creditor reduce the balance, he has refused to pay the unpaid balance despite now having the ability to do so. The account no longer appears in his most recent credit reports. (Exhibit D; Exhibit E; Exhibit F; Exhibit G) While the statute of limitations may have run, and the account is no longer being reported in his credit reports, the account remains unresolved.

SOR ¶ 1.c. is a bank credit-card account with an unpaid balance of \$3,516 that was placed for collection and charged off. Applicant used the card to pay for family expenses while married to his first wife. (Item 4 at 5; Item 6 at 11-12) He has refused to pay the unpaid balance despite now having the ability to do so. The account no longer appears in his most recent credit reports. (Exhibit D; Exhibit E; Exhibit F; Exhibit G) While the statute of limitations may have run, and the account is no longer being reported in his credit reports, the account remains unresolved.

There is no evidence of financial counseling, a budget, or anything to describe with any specificity Applicant's current financial situation. He only submitted his Fair Isaac Corporation (FICO) scores reported by the three credit reporting agencies: 715; 715; and 739. He offered no explanation as to the significance or meaning of such scores. (Exhibit E; Exhibit F; Exhibit G) Applicant did not report his net monthly income, his monthly household expenses, or any monthly debt payments. 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, or if he has the funds available to pay his debts but is simply choosing not to do 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 three still-delinquent accounts totaling approximately \$21,797. Applicant acknowledged that as a result of his 2014 divorce, and an inability at that time to maintain his accounts in a current status, a number of accounts became delinquent. Because he was in the process of rebuilding his life with his new wife, on the advice of an attorney, he decided to allow the statute of limitations to run so that he would be no longer legally liable for the debts. Instead of accepting his financial responsibilities and resolving those debts – debts incurred by him in receiving things of benefit from the creditors while married to his first wife – he chose to ignore those debts. In 2019, one creditor of two separate debts offered to settle those accounts for 55 per cent of the unpaid balance, but Applicant was only willing to pay 25 per cent. No resolution was reached. AG ¶¶ 19(a) and 19(c) have been established because of Applicant's previous inability to resolve his delinquent accounts, and AG ¶ 19(b) has been established because of his subsequent unwillingness to satisfy them regardless of his ability to do so.

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(b) minimally applies, but none of the other conditions apply. Applicant's divorce from his first wife occurred in 2014. In 2019, one creditor of two separate debts offered to settle those accounts for 55 per cent of the unpaid balance, but Applicant was only willing to pay 25 per cent. No resolution was reached. With the exception of that one exchange, he never initiated any good-faith efforts to repay his overdue creditors or otherwise resolve his debts, for his most recent payments occurred in 2014. Instead, he ignored his creditors and waited for the statute of limitations to run to free him from legal liability for the debts. The accounts no longer appear in his credit reports.

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))).

When a creditor charges off a debt, this action signifies the creditor's decision to remove the debt from the asset column of a balance sheet. (See Experian website, "Charged Off Debt Must Still Be Repaid," July 13, 2016, <https://www.experian.com/blogs/ask-experian/charged-off-debt-must-still-be-repaid/>; a/so see Bankrate website, Steve Bucci, "Debt charged off – do I still have to pay?" June 4, 2015, <http://www.bankrate.com/finance/debt/debt-charged-off-still-pay.aspx>.) A

charged-off debt is normally more than six months past due and unlikely to be paid in the near future. The creditor's accounting decision to charge off the debt does not affect the obligation to pay what is owed. Eventually the charged-off debts will be dropped from his credit report.

"[T]hat some debts have dropped off his credit report is not meaningful evidence of debt resolution." ISCR Case No. 14-05803 at 3 (App. Bd. Jul. 7, 2016) (citing ISCR Case No. 14-03612 at 3 (App. Bd. Aug. 25, 2015)). The Fair Credit Reporting Act requires removal of most negative financial items from a credit report seven years from the first date of delinquency or the debt becoming collection barred because of a state statute of limitations, whichever is longer. (Title 15 U.S.C. § 1681c. See Federal Trade Commission website, Summary of Fair Credit Reporting Act Updates at Section 605, <https://www.consumer.ftc.gov/articles/pdf-0111-fair-credit-reporting-act.pdf>.) Debts may be dropped from a credit report upon dispute when creditors believe the debt is not going to be paid, a creditor fails to timely respond to a credit reporting company's request for information, or when the debt has been charged off. Applicant's failure to provide a plan to resolve the charged-off debts on the credit report makes it difficult to find mitigation of those debts in this case.

The statute of limitations clearly and unequivocally ends an Applicant's legal responsibility to pay the creditors after the passage of a certain amount of time, as specified in state law. In a series of decisions, the Appeal Board has rejected the statute of limitations for debts generated through contracts, which is the law in all 50 states, as automatically mitigating financial considerations concerns under AG ¶ 20(d). (See ISCR Case No. 08-01122 at 4 (App. Bd. Feb. 9, 2009); ADP Case No. 06-14616 at 3 (App. Bd. Oct. 18, 2007); ISCR Case No. 07-08049 at 5 (App. Bd. Jul. 22, 2008); ADP Case No. 07-13041 at 5 (App. Bd. Sep. 19, 2008); ISCR Case No. 07-11814 at 2 (App. Bd. Dec. 29, 2008)).

Based on the evidence, it appears that Applicant has effectively ignored his delinquent accounts since 2014 essentially because he wanted to rebuild his life with his new wife while placing his actions and activities, as well as his debts incurred during his relationship with his ex-wife, into the forgotten past. While he may not be legally liable for those delinquent debts because of the statute of limitations, and those debts may have been removed from his credit reports, Applicant has not acted responsibly by failing to address those delinquent accounts while employed and by failing to make limited, if any, efforts of working with his creditors. 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 reportedly made only one effort in 2019 to pay only 25 per cent of an unpaid balance to one creditor after years of ignoring that creditor. And now, because of the statute of limitations, and the clean credit report, he contends that he is free from any further obligations regarding his debts.

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 chose to ignore his delinquent debts for a number of years and was eventually able to pass the threshold of the statute of limitations.

There is no evidence of financial counseling, a budget, or current financial information. Applicant's actions or in-action under the circumstances cast significant 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 evidence in favor of mitigating Applicant's financial considerations. Applicant is a 52-year-old employee of a defense contractor. He has been serving as a senior electrical engineer with his current employer since October 2020. He was previously employed by other companies as a senior electrical engineer (April 2019 – October 2020); senior hardware engineer (February 1999 – January 2019); and part-time as an adjunct professor with a community college (August 2008 – June 2013). He received a bachelor's degree in electrical engineering in 1991 and a master's degree in electrical engineering in 2005, both from a foreign university, and has been attending an American university on an infrequent basis over the years, but has not received any other degree.

The disqualifying evidence under the whole-person concept is simply more substantial and compelling. Applicant has three still-delinquent accounts totaling approximately \$21,797. As a result of his 2014 divorce, and an inability at that time to maintain his accounts in a current status, a number of accounts became delinquent. Because he was in the process of rebuilding his life with his new wife, on the advice of an attorney, he decided to allow the statute of limitations to run so that he would be no longer legally liable for the debts. Instead of accepting his financial responsibilities and resolving those debts – debts incurred by him in receiving things of benefit from the creditors while married to his first wife – he chose to ignore those debts. In 2019, one creditor of two separate debts offered to settle those accounts for 55 per cent of the unpaid balance, but Applicant was only willing to pay 25 per cent. No resolution was reached. He has not acted responsibly by failing to address his delinquent accounts while employed and by failing to make limited, if any, efforts of working with his creditors over a multi-year period. It remains unclear why Applicant requested that Equifax place a security freeze on his credit file denying access to the report. There are lingering questions if Applicant is currently in a better position financially than he had been, as well as continuing doubt about his current reliability, trustworthiness, and good judgment.

In ISCR Case No. 07-06482 at 2-3 (App. Bd. May 21, 2008), the Appeal Board addressed a key element in the whole-person analysis in financial cases stating:

In evaluating Guideline F cases, the Board has previously noted that the concept of "meaningful track record" necessarily includes evidence of actual debt reduction through payment of debts. However, an applicant is not required, as a matter of law, to establish that he [or she] has paid off each and every debt listed in the SOR. All that is required is that an applicant demonstrate that he [or she] has ". . . established a plan to resolve his [or her] financial problems and taken significant actions to implement that plan." The Judge can reasonably consider the entirety of an applicant's financial

situation and his [or her] actions in evaluating the extent to which that applicant's plan for the reduction of his outstanding indebtedness is credible and realistic. See Directive ¶ E2.2(a) ("Available, reliable information about the person, past and present, favorable and unfavorable, should be considered in reaching a determination.") There is no requirement that a plan provide for payments on all outstanding debts simultaneously. Rather, a reasonable plan (and concomitant conduct) may provide for the payment of such debts one at a time. Likewise, there is no requirement that the first debts actually paid in furtherance of a reasonable debt plan be the ones listed in the SOR.

Applicant's track record of only one limited effort in 2019 to resolve any of his delinquent debts, and the lengthy period of non-contact with his creditors since 2014, is negative and disappointing. Moreover, his willful decision to ignore his debts until the statute of limitations had passed leaves me with substantial questions and doubts as to Applicant's eligibility and suitability for a security clearance. For all of these reasons, I conclude Applicant has failed to mitigate 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:	AGAINST APPLICANT
Subparagraphs 1.a. through 1.c.:	Against Applicant

Conclusion

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

ROBERT ROBINSON GALES
Administrative Judge