DEPARTMENT OF DEFENSE
DEFENSE OFFICE OF HEARINGS AND APPEALS

In the matter of:	)	
	)	
	)	ISCR Case No. 22-01201
	)	
Applicant for Security Clearance	)	

Appearances

For Government: Nicole A. Smith, Esquire, Department Counsel
For Applicant: *Pro se*

11/15/2022

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Decision

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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 May 18, 2021, Applicant applied for a security clearance and submitted a Questionnaire for National Security Positions (SF 86). On July 15, 2022, the Defense Counterintelligence and Security Agency (DCSA) Consolidated Adjudications Services (CAS), previously known as the Department of Defense Consolidated Adjudications Facility (DOD CAF), issued a Statement of Reasons (SOR) to her 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 CAS 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 July 19, 2022, Applicant responded to the SOR and elected to have her case decided on the written record in lieu of a hearing. (Item 2) On August 9, 2022, pursuant to ¶ E.3.1.13, of the Directive, the Government amended the SOR by withdrawing SOR ¶¶ 1.a., and 1.d. through1.h., leaving only SOR ¶¶ 1.b. and 1.c. 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 11, 2022, and she 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 her case. Applicant received the FORM on September 6, 2022. Her response was due on October 6, 2022. Applicant timely responded to the FORM, submitted 12 documents that were marked and admitted without objection as Applicant Exhibits (AE) 1 through AE 12.

Applicant objected to two of the Government Exhibits listed in the FORM. She objected to the "unauthenticated" and unverified enhanced subject interview (Item 4), and to an "inaccurate" credit bureau report (Item 5), as well as to "inaccurate" arguments made by Department Counsel. I overruled the objections in part because the information in the credit report was relevant and material to the issues, it was verified by Applicant in other documents, and such evidence is acceptable in DOHA security clearance eligibility practice; the information in the arguments does not constitute evidence in such cases; and the focused information in the subject interview was actually verified by Applicant in other submissions. The case was assigned to me on November 8, 2022. The record closed on October 6, 2022.

Findings of Fact

In her response to the SOR, Applicant admitted, with comments, both of the surviving SOR allegations. (SOR ¶¶ 1.b. and 1.c.). 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 44-year-old employee of a defense contractor. She has been serving as a supplier quality engineer since November 2010. She was previously employed by another employer as a technical operations staff member from June 2007 until November 2010. It is unclear if she is a high school graduate. She received a bachelor's degree in 2000 and a master's degree in 2006. She has never served with the U.S. military. She was granted a secret clearance in 2011. She has never been married.

Financial Considerations

General source information pertaining to the financial accounts discussed below can be found in the following exhibits: Item 2 (Answer to the SOR, dated July 19, 2022; Item 3 (SF 86, dated May 18, 2021); Item 4 (Enhanced Subject Interview (ESI), dated September 27, 2021); Item 5 (Verato Credit Report, dated April 22, 2022); and Item 6 (Combined Experian, TransUnion, and Equifax Credit Report, dated July 9, 2022).

In her SF 86, Applicant acknowledged having some financial issues associated with two delinquent student loans estimated to be approximately $180,000. She indicated that the issue was created because of insufficient budgeting, and that she was awaiting a Chapter 13 bankruptcy determination (regarding a repossessed automobile) that she actually dismissed in about March 2020. (Item 3 at 33-34) On September 27, 2021, she was interviewed by an investigator with the U.S. Office of Personnel Management (OPM). During that interview, she disclosed and described the two delinquent student loans that were in the amounts of $108,504 and $104,490. She said that she originally had four separate student loans that were consolidated into two student loans. She claimed that the loans had been transferred and sold so many times that she was not able to keep track of them, and was unsure which entity was holding the accounts at the time of her interview. The investigator furnished the address of the creditor listed in her credit report. (Item 4 at 2)

Applicant received student loans that enabled her to obtain degrees in 2000 and 2006. The loan servicer handling her student loans reported a favorable payment history until about December 2014. (Item 5 at 6; Item 6 at 12, 13, 15, 17) Because of her failure to continue making timely payments, after a period of about 90 days, Applicant's student loans were assigned to the U.S. Department of Education (DOE), eventually designated as defaulted loans, and placed for collection.

Applicant did not claim that at that time she had sought either different payment arrangements or either deferment or forbearance. She did not report any specific factors, other than "irresponsible lack of budgeting"; "increased living expenses" after moving to another state; past immaturity; and "unexpected medical surgery in August 2018" that may have contributed to her inability to keep her student-loan accounts or her automobile account current between 2014 and at least July 2020. Although she claimed she satisfied her automobile debt in July 2020 after she had her bankruptcy dismissed, her 2018 surgery debt went unresolved until she made payments totaling approximately $4,847 on July 27-28, 2022. (Item 2; Response to FORM, dated August 9, 2022; AE 10) Her history of addressing her student-loan debts remains less than clear, for aside for any payments she may have made in September 2022, described further below, she apparently made only one payment in December 2018 for $1,133.62. (AE 2; AE 3) Although she claims that her payment history shows that payments were made on the accounts, it is unclear if those payments were voluntary payments made by her or merely bookkeeping adjustments between loan servicers and the DOE. In this regard, a payment history reflecting payments to the loan servicer reflects "payments" of $182,075.45 on July 1, 2017, and $153,749.98 on December 3, 2014. (AE 2) In neither instance did Applicant state that those payments were made by her.

On March 27, 2020, the Coronavirus Aid, Relief, and Economic Security (CARES) Act – the original coronavirus emergency relief bill – temporarily paused payments and involuntary collections on most federally held student loans through September 30, 2020. The pause was subsequently extended until December 31, 2022. (DOE Press Release, August 24, 2022) On April 6, 2022, the DOE announced an initiative called "Fresh Start" to help eligible borrowers whose loans were in default. Among the benefits of the new program were that the CARES relief pause would continue, collection efforts would cease, and wages would not be garnished. (AE 8) On August 11, 2022, Applicant sought guidance from a non-profit organization regarding student debt relief, and stated that she currently had $212,000 in federal student debt, consisting of a direct consolidation un-subsidized loan for $104,491 and a direct consolidation subsidized loan for $108,505. She identified the original and the second loan servicers. (AE 9) The following day, she submitted to the DOE an extract of her Form 1040 for the tax year 2021 as part of her effort to seek student loan rehabilitation. (AE 5)

In her Answer to the SOR, Applicant noted that she was currently investigating the status of the loans along with the applicable fees and charges to insure the accuracy of the information alleged. She claimed that she had initiated contact with the creditor on July 20, 2022 – five days after the SOR was issued, and the day after her Answer was dated – requesting the loan documentation with the goal of getting them out of the delinquency status "once the Federal student loan payment freeze is lifted." (Item 2 at 2)

On August 23, 2022 – approximately five weeks after the SOR was issued – Applicant and the DOE established a Repayment Agreement covering two delinquent student-loan debts for $108,504.94 ($85,899.65 in principal and $22,605.29 in interest) and $104,490.61 ($82,721.70 in principal and $21,768.91 in interest), totaling $212,995.55. It was determined that her regular monthly payment amount would be $1,085, commencing on September 13, 2022. Once she made at least nine monthly payments and complied with all of the provisions of the agreement, her student-loan debt would be rehabilitated. (AE 6; AE 7) Applicant made $250 payments on September 11, 2022 and September 15, 2022, as well as a $600 payment on September 22, 2022. (AE 1) A new loan servicer was appointed on October 3, 2022. (AE 12)

The Amended SOR alleged the two still-delinquent student-loan accounts totaling approximately $212,994, as set forth below:

SOR ¶ 1.b. refers to a student-loan account with an unpaid balance of $108,504 that was placed for collection. (Item 5 at 2; Item 6 at 6) As of the date the SOR was issued, the account remained delinquent, and while it is still delinquent, Applicant has taken the initial steps to rehabilitate it.

SOR ¶ 1.c. refers to a student-loan account with an unpaid balance of $104,490 that was placed for collection. (Item 5 at 2; Item 6 at 7) As of the date the SOR was issued, the account remained delinquent, and while it is still delinquent, Applicant has taken the initial steps to rehabilitate it.

As noted above, Applicant submitted to the DOE an extract of her Form 1040 for the tax year 2021 as part of her effort to seek student loan rehabilitation. That extract of her individual income tax return reported annual wages, salaries, tips, etc., amounting to $106,073. Her taxable income was $94,565; her federal income tax withheld was $16,524; and she still owed $265 in tax. (AE 5) On an unspecified date, she also reported a budget reflecting a monthly income of $4,920; total monthly expenses of $4,150 (including her student loan payments); $260 in "monthly savings"; and a cash balance of $510 available for savings or spending. She also reported $155,000 in her 401k account. (AE 11) Extracts of her Experian Credit Report, dated September 27, 2022, report five open accounts, with the notation that states, "no collection accounts reported." (AE 4)

There is no evidence of financial counseling. Applicant has steadfastly disputed that she has a history of not meeting financial obligations or an inability to satisfy debts. She stated that she has the ability to satisfy her debts. There is a paucity of evidence to indicate how her financial issues – especially her delinquent student loans – were handled by her between 2014 and 2022. Nevertheless, it appears that Applicant is currently in a better position financially than she had been.

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 Amended SOR alleged two still-delinquent student-loan accounts totaling approximately $212,994. On its face, without any background information, Applicant's history of still-delinquent debts appears to present either an inability to satisfy debts, or a history of not meeting financial obligations. Despite her claims that there is no history of not meeting financial obligations or an inability to satisfy them, the evidence clearly supports a conclusion that both conditions have been established. Considering her income in 2021, her apparent disinterest in focusing on her student-loan accounts between 2014 and March 2020, when the CARES Act temporarily paused payments and involuntary collections on most federally held student loans, support a conclusion that she also had a reluctance or unwillingness to satisfy those debts regardless of the ability to do so. AG ¶¶ 19(a), 19(b), and 19(c) have 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(b) and 20(d) minimally apply, but none of the other conditions apply. Applicant's student loans were assigned to the DOE, eventually designated as defaulted loans, and placed for collection. She did not claim that she had sought either different payment arrangements or either deferment or forbearance. She did not report any specific factors, other than "irresponsible lack of budgeting"; "increased living expenses" after moving to another state; past immaturity; and "unexpected medical surgery in August 2018", that may have contributed to her inability to keep her student-loan accounts current between 2014 and at least March 2020, when the CARES Act payment pause commenced. Aspects of her situation and her actions, or inaction, in addressing her delinquent student loans, are troubling. Between the date she first learned that her student-loan accounts had been defaulted, and the date the SOR was issued, she made no claimed or verifiable efforts to address either of the delinquent student loans. It was only after the SOR was issued that she was motivated to take any action.

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 is clear that Applicant intentionally ignored her delinquent student-loan accounts for a substantial multi-year period. The overwhelming evidence leads to the conclusion that her financial problems were not under control, and that the initial efforts to fix her problem did not start until August 2022 when she signed her repayment agreement. She acted irresponsibly by failing to address her delinquent student-loan accounts and by failing to make limited, if any, efforts of working with her loan servicers or DOE creditors before the SOR was issued. 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 or her 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 has failed to offer any evidence that she began making such efforts until the SOR was issued.

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 clearly stated that no such efforts were made until after the SOR was issued. Her first payments were made in September 2022.

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)).

There is no verifiable evidence of financial counseling. Despite her very recent efforts to start rehabilitating her delinquent student-loan accounts after several years of inaction, Applicant's inaction under the circumstances casts doubt on her 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 44-year-old employee of a defense contractor. She has been serving as a supplier quality engineer since November 2010. She was previously employed by another employer as a technical operations staff member from June 2007 until November 2020. She received a bachelor's degree in 2000 and a master's degree in 2006. She was granted a secret clearance in 2011. In August 2022, Applicant and the DOE established a Repayment Agreement covering two delinquent student-loan debts, and she started making monthly payments in September 2022. She has no other delinquent debts.

The disqualifying evidence under the whole-person concept is simply more substantial and compelling. Applicant has two still-delinquent student-loan accounts totaling approximately $212,994. She seemingly attributed some of her financial difficulties to "irresponsible lack of budgeting" past immaturity that may have contributed to her inability to keep her student-loan accounts current between 2014 and at least March 2020, when the CARES Act payment pause commenced. She described no contacts with the loan servicer or the DOE between December 2014, when the student loans were placed in default, and July 2022, when the SOR was issued. Instead, she seemingly avoided any good-faith efforts to resolve those delinquent debts. In light of her disinterest to take any such actions until the SOR was issued, there are lingering questions if Applicant is currently in a better position financially than she had been, as well as continuing doubt about her 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 nearly zero claimed or verifiable efforts to resolve the two delinquent student-loan debts and the lengthy period of non-contact with her creditors, is negative and disappointing. Overall, the evidence leaves me with substantial questions and doubts as to Applicant's eligibility and suitability for a security clearance. Accordingly, I conclude Applicant has failed to mitigate the security concerns arising from her 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.b. and 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