



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



In the matter of: )  
)  
) ISCR Case No. 21-01315  
)  
Applicant for Security Clearance )

**Appearances**

For Government: Adrienne Driskill, Esq., Department Counsel  
For Applicant: Alan V. Edmunds, Esq.

March 1, 2023

**Decision**

TUIDER, Robert, Administrative Judge:

Applicant mitigated security concerns regarding Guideline F (financial considerations). Clearance is granted.

**Statement of the Case**

On October 19, 2019, Applicant submitted a Questionnaire for National Security Positions (SF-86). On September 22, 2021, the Defense Counterintelligence and Security Agency Consolidated Adjudications Facility (CAF) issued a Statement of Reasons (SOR) to Applicant detailing security concerns under Guideline F. The SOR detailed reasons why the CAF was unable to find that it is clearly consistent with the national interest to grant or continue a security clearance for Applicant. On October 7, 2021, Applicant submitted his Answer to the SOR through counsel.

On May 18, 2022, the Defense Office of Hearings and Appeals (DOHA) assigned the case to me. On May 24, 2022, DOHA issued a notice of hearing scheduling the hearing for July 5, 2022. I convened the hearing as scheduled. I admitted Government Exhibits (GE) 1 through 5 without objection, and admitted Applicant Exhibits (AE) A

through EEE without objection. (Tr. 17-18) Applicant testified and did not call any witnesses to testify on his behalf. I held the record open until August 5, 2022, to afford Applicant an opportunity to submit additional evidence. Applicant timely submitted AE FFF through JJJ without objection. [Note – Applicant’s post-hearing exhibits were marked AE DDD through JJJ. I remarked them to reflect their correct order.] On August 2, 2022, DOHA received the hearing transcript (Tr.).

## **Findings of Fact**

### **Background Information**

Applicant is a 58-year-old principal fellow (senior technical engineer), who has been employed by his current defense contractor employer since September 2018. Since 1987 and for the past 36 years, he spent his adult working life in the defense industry and has successfully held security clearances at various levels that entire time. He seeks to retain his Secret security clearance, which is a requirement of his continued employment. (SOR Answer; Tr. 19-21, 44)

Applicant graduated from high school in 1992. He was awarded a Bachelor of Science degree in electrical engineering in 1987, a Master of Science degree in electrical engineering in 1991, and a Ph.D. in electrical engineering in 1995. (Tr. 22-22; GE 1; AE S) Applicant married in September 1987. His wife is not employed outside the home. He and his wife have one adult daughter, who is attending college. They are providing their daughter with substantial financial assistance while she is in college. (Tr. 23-25, 74; GE 1; AE HHH)

### **Financial Considerations**

Applicant’s SOR lists 16 allegations, one of which is for delinquent taxes owed to the Federal Government for tax years 2015 through 2017, and the remaining 15 allegations are for various delinquent consumer and medical debts. The allegations are established by his October 19, 2020 SF-86; his Office of Personnel Management (OPM) investigation containing his November 24, 2020 and January 27, 2021 Personal Subject Interviews (OPM PSI); his November 17, 2020, September 9, 2021, and March 31, 2022 credit reports; his September 27, 2021 SOR Answer in part; and his hearing testimony. (GE 1-5; SOR Answer)

Applicant’s financial difficulties resulted from a series of events largely beyond his control. In 2014, his father passed away, and he had to pay for the funeral expenses. After dealing with the loss of his father, as Applicant described it, “we went through a very terrible 2015. I got very, very sick. My wife was having bleeding. It was a bad year – sorry.” Applicant’s kidneys failed, and he was unable to determine the cause. Additionally, he was having indigestion and heart problems. During that year, he had “multiple emergency room visits.” It was determined that he had kidney and gallbladder problems and he only had catastrophic medical coverage. For the most part, his hospital visits were not covered by insurance. (SOR Answer; Tr. 26-28, 20, 33, 81-82; AE O)

Also in 2015, Applicant's wife was experiencing severe medical problems requiring surgery and numerous consultations with specialists. When surgery failed to correct her problem, she consulted additional specialists. Applicant's wife likewise only had catastrophic medical coverage. Her condition continued until the "tail end of 2016." (SOR Answer; Tr. 28-29, 33, 45-46; AE P)

While Applicant and his wife were experiencing these medical problems, their daughter was being treated for Metabolic Syndrome and was taking multiple medications, including Metformin used to treat pre-diabetes. (SOR Answer; AE O – AE Q) Her treatment included consulting dieticians, which was also not covered by Applicant's catastrophic medical coverage plan. (Tr. 29-30, 33; AE Q)

To compound matters even more, Applicant was caught up in the aftermath of the 2008 housing crisis. He had a reverse amortization mortgage on the family home that caused his mortgage payments to increase "significantly" by "more than a thousand dollars a month." Applicant was and is the sole income earner for the family. (SOR Answer; Tr. 30, 50) Applicant also had an unexpected water leak in his home that increased his water bill far beyond the norm. He had to prioritize fixing the water leak instead of paying the lease on his car. Applicant and his wife were forced to liquidate their retirement savings to pay off past-due bills that accumulated during their unexpected health issues. This created a larger tax bill, given the IRS penalties for early withdrawal of retirement savings. Consequently, Applicant was unable to remain current on his debts. (SOR Answer)

Applicant submitted the following summary of documented medical expenses in 2015 for himself, his wife, and his daughter. [Note – the following figures are totals vice the breakdown Applicant provided in his exhibit.] Applicant's medical expenses - \$61,000, wife's medical expenses - \$104,000, daughter's medical expenses - \$18,000. Total medical expenses documented - \$183,000. Applicant noted that his catastrophic medical coverage has an \$8,000 deductible that covered 80% of medical expenses in network and 60% of medical expenses out of network until out-of-pocket maximum of \$20,000. This did not include uncovered medical expenses not in his plan such as fertility. He estimated that his out-of-pocket medical expenses in 2015 were "closer" to \$30,000. (Tr. 31, 46-49; AE DDD) Applicant paid the \$30,000 out of pocket expenses with "various loans, cash, out of pocket, and then some things [he] couldn't cover . . . are still on [his] credit report." Applicant stated that once his credit was destroyed, he "couldn't recover from it." (Tr. 49)

The following is a summary of Applicant's SOR allegations and their status:

**SOR ¶ 1.a – Indebted to the Federal Government for delinquent taxes in the amount of \$55,000 for tax years 2015 through 2017.** In his SOR Answer, Applicant admitted this allegation with clarification. Applicant retained a second CPA in September 2019 to assist him with his tax debt, after the first tax accountant that he hired in 2017 was unable to make satisfactory progress. His CPA provided a letter dated October 4, 2021, that outlines a plan to resolve Applicant's tax debt. He accrued a significant tax debt as a result of miscalculating his past withholdings. With the help of his CPA, he has

since adjusted his withholdings. His CPA stated among other things that the IRS resolution group had completely shut down for nearly 12 months due to COVID-19 and had an enormous backlog of cases to work through. Applicant has been in a payment plan with the IRS in various formats since 2017. Currently, he is on an approved monthly payment plan of \$1,000 per month payable to the IRS. In 2023, that amount will increase to \$1,800 a month, and in 2024, that amount will increase to \$2,500. (SOR Answer; Tr. 31, 40-41, 43, 59-71, 76-78, 83-84; AE A – AE C, AE D – AE H, AE HH, AE KK, AE LL, AE AAA, AE FFF, AE GGG, AE III, AE JJJ) **DEBT BEING RESOLVED.**

To address his remaining SOR debts, Applicant enrolled them in a debt consolidation company (DCC) plan in 2018. The DCC offers financial solutions to quickly get individuals out of debt while maintaining an affordable monthly payment. (AE H) He has completed payments on some debts, with the others pending settlement, or settlements are in progress. He is paying the DCC \$600 a month by direct debit to negotiate, settle, and/or pay his outstanding debts. (SOR Answer; Tr. 55-59; AE H – AE J, AE CC – AE EE, AE I)

SOR ¶ 1.b – **Charged-off credit card account in the amount of \$3,532.** In his SOR Answer, Applicant admitted this allegation with clarification. (SOR Answer) This debt is enrolled in the DCC plan. As of June 2022, this account was in a pending status with payments scheduled. (Tr. 39-40; AE DD, AE FF, AE GG, AE EEE) **DEBT BEING RESOLVED.**

SOR ¶ 1.c – **Charged-off pay day loan account in the amount \$3,242.** In his SOR Answer, Applicant admitted this allegation with clarification. (SOR Answer) This debt is enrolled in the DCC plan. As of June 2022, this account was in a pending status with payments scheduled. (Tr. 39-40, 51; AE DD, AE FF, AE GG, AE EEE) **DEBT BEING RESOLVED.**

SOR ¶ 1.d – **Collection pay day loan the amount of \$2,741.** In his SOR Answer, Applicant admitted this allegation with clarification. (SOR Answer) This debt is enrolled in the DCC plan. As of June 2022, this account was in a pending status with payments scheduled. (Tr. 39-40; AE DD, AE FF, AE GG, AE EEE) **DEBT BEING RESOLVED.**

SOR ¶ 1.e – **Charged-off credit card account in the amount of \$1,975.** In his SOR Answer, Applicant admitted this allegation with clarification. (SOR Answer) This debt is enrolled in the DCC plan. As of June 2022, this account was in a pending status with payments scheduled. (AE DD, AE FF, AE GG, AE EEE) **DEBT BEING RESOLVED.**

SOR ¶ 1.f – **Collection medical account in the amount of \$1,588.** In his SOR Answer, Applicant admitted this allegation with clarification. (SOR Answer) This debt is enrolled in the DCC plan. As of June 2022, this account was in a pending status with payments scheduled. (Tr. 39-40; AE DD, AE FF, AE GG, AE EEE) **DEBT BEING RESOLVED.**

SOR ¶ 1.g – **Collection medical account in the amount of \$1,306.** In his SOR Answer, Applicant admitted this allegation with clarification. (SOR Answer) This debt is

enrolled in the DCC plan. As of June 2022, this account was in a pending status with payments scheduled. (Tr. 39-40; AE DD, AE FF, AE GG, AE EEE) **DEBT BEING RESOLVED.**

SOR ¶ 1.h – **Collection credit card account in the amount of \$1,111.** In his SOR Answer, Applicant admitted this allegation with clarification. (SOR Answer) This debt has been settled and paid by the DCC. (Tr. 39-40, 52-53; AE FF, AE EEE) **DEBT RESOLVED.**

SOR ¶ 1.i – **Collection medical account in the amount of \$981.** In his SOR Answer, Applicant admitted this allegation with clarification (SOR Answer) This debt is enrolled in the DCC plan. As of June 2022, this account was in a pending status with payments scheduled. (Tr. 39-40; AE DD, AE FF, AE GG, AE EEE) **DEBT BEING RESOLVED.**

SOR ¶ 1.j – **Collection alarm company account in the amount of \$935.** In his SOR Answer, Applicant admitted this allegation with clarification. (SOR Answer) This debt is enrolled in the DCC plan. As of June 2022, this account was in a pending status with payments scheduled. (Tr. 39-40; AE DD, AE FF, AE GG, AE EEE) **DEBT BEING RESOLVED.**

SOR ¶ 1.k – **Charged-off credit card company in the amount of \$822.** In his SOR Answer, Applicant admitted this allegation with clarification. (SOR Answer) This debt has been settled and paid by the DCC. (Tr. 52-53; AE M, AE BBB, AE CCC, AE FF, AE EEE) **DEBT RESOLVED.**

SOR ¶ 1.l – **Collection medical account in the amount of \$407.** In his SOR Answer, Applicant admitted this allegation with clarification. (SOR Answer) This debt is enrolled in the DCC plan. As of June 2022, this account was in a pending status with payments scheduled. (Tr. 39-40; AE DD, AE FF, AE GG, AE EEE) **DEBT BEING RESOLVED.**

SOR ¶ 1.m – **Collection medical account in the amount of \$188.** In his SOR Answer, Applicant denied this allegation stating that he did not recognize this creditor, and he do not have this account listed. (SOR Answer) Debt likely fraudulent(why?). (Tr. 53-54; AE EEE) **DEBT DOES NOT BELONG TO APPLICANT.**

SOR ¶ 1.n – **Charged-off pay day loan account in the amount of \$2,600.** In his SOR Answer, Applicant admitted this allegation with clarification. (SOR Answer) This debt has been settled and paid by the DCC. (Tr. 39-40, 52-53; AE K, AE FF, AE E) **DEBT RESOLVED.**

SOR ¶ 1.o – **Charged-off pay day loan account in the amount of \$3,910.** In his SOR Answer, Applicant denied that allegation stating that this account has been settled and paid through his DCC. This debt has been settled and paid by the DCC. (Tr. 39-40, 52-53; AE DD, AE FF, AE GG, AE EEE) **DEBT RESOLVED.**

SOR ¶ 1.p – **Indebted for automobile that was repossessed in the amount of \$7,313.** In his SOR Answer, Applicant admitted this allegation with clarification. (SOR Answer) This debt is enrolled in the DCC plan. As of June 2022, this account was in a pending status with payments scheduled. (Tr. 39-40, 84-85; AE DD, AE FF, AE GG, AE CCC, AE EEE) **DEBT BEING RESOLVED.**

Applicant's DCC and CPA provided him with financial counseling. (Tr. 36-37) His annual salary is approximately \$318,000. (Tr. 38) His monthly budget reflects gross income of \$25,010, with a net monthly remainder of \$2,028. Applicant stated that he is doing everything he can to reduce his expenses to free up income to pay off his debts. (Tr. 41-42, 72-74, 76-77; AE MM) He has stock valued at \$339,000 that vests in 2023, and will be available to pay any taxes and debts, if necessary. (Tr. 42)

### **Character Evidence**

Applicant submitted numerous and substantial evidence reflecting his good character, trustworthiness, community involvement, dedication as a spouse and parent, professional accomplishments, work performance, and contribution to the national defense. This evidence supports Applicant retaining his security clearance. (AE D, AE R – AE Z, AE OO-AE ZZ)

### **Policies**

This case is adjudicated under Executive Order (EO) 10865, *Safeguarding Classified Information within Industry* (February 20, 1960), as amended; DOD Directive 5220.6, *Defense Industrial Personnel Security Clearance Review Program* (January 2, 1992), as amended (Directive); and the adjudicative guidelines (AG), which became effective on June 8, 2017.

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

These guidelines are not inflexible rules of law. Instead, recognizing the complexities of human behavior, administrative judges apply the guidelines in conjunction with the factors listed in AG ¶ 2 describing the adjudicative process. The administrative judge's overarching adjudicative goal is a fair, impartial, and commonsense decision. According to AG ¶ 2(a), 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 decision.

The protection of the national security is the paramount consideration. AG ¶ 2(b) requires that "[a]ny doubt concerning personnel being considered for national security eligibility will be resolved in favor of the national security."

Under Directive ¶ E3.1.14, the Government must present evidence to establish controverted facts alleged in the SOR. Under Directive ¶ E3.1.15, the applicant is responsible for presenting “witnesses and other evidence to rebut, explain, extenuate, or mitigate facts admitted by the applicant or proven by Department Counsel.” The applicant has the ultimate burden of persuasion to obtain a favorable clearance decision.

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. The Government reposes a high degree of trust and confidence in 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 of potential, rather than actual, risk of compromise of classified information.

Section 7 of EO 10865 provides that adverse decisions shall be “in terms of the national interest and shall in no sense be a determination as to the loyalty of the applicant concerned.” See *also* EO 12968, Section 3.1(b) (listing multiple prerequisites for access to classified or sensitive information).

## **Analysis**

### **Financial Considerations**

AG ¶ 18 articulates the security concern for financial problems:

Failure to live within one’s means, satisfy debts, and meet financial obligations may indicate poor self-control, lack of judgment, or unwillingness to abide by rules and regulations, all of which can raise questions about an individual’s reliability, trustworthiness, and ability to protect classified or sensitive information. Financial distress can also be caused or exacerbated by, and thus can be a possible indicator of, other issues of personnel security concern such as excessive gambling, mental health conditions, substance misuse, or alcohol abuse or dependence. An individual who is financially overextended is at greater risk of having to engage in illegal or otherwise questionable acts to generate funds.

The Appeal Board explained the scope and rationale for the financial considerations security concern in ISCR Case No. 11-05365 at 3 (App. Bd. May 1, 2012) (citation omitted) as follows:

This concern is broader than the possibility that an applicant might knowingly compromise classified information in order to raise money in satisfaction of his or her debts. Rather, it requires a Judge to examine the totality of an applicant’s financial history and circumstances. The Judge must consider pertinent evidence regarding the applicant’s self-control, judgment, and other qualities essential to protecting the national secrets as

well as the vulnerabilities inherent in the circumstances. The Directive presumes a nexus between proven conduct under any of the Guidelines and an applicant's security eligibility.

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

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

(internal citation omitted).

AG ¶ 19 includes three disqualifying conditions that could raise a security concern and may be disqualifying in this case: "(a) inability to satisfy debts"; "(c) a history of not meeting financial obligations"; and "(f) failure to file or fraudulently filing annual Federal, state, or local income tax returns or failure to pay annual Federal, state, or local income tax as required." The record establishes AG ¶¶ 19(a), 19(c), and 19(f). Further discussion of the disqualifying conditions and the applicability of mitigating conditions is contained in the mitigation section, *infra*. The Appeal Board concisely explained Applicant's responsibility for proving the applicability of mitigating conditions as follows:

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

ISCR Case No. 10-04641 at 4 (App. Bd. Sep. 24, 2013).

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

(a) the behavior happened so long ago, was so infrequent, or occurred under such circumstances that it is unlikely to recur and does not cast doubt on the individual's current reliability, trustworthiness, or good judgment;

(b) the conditions that resulted in the financial problem were largely beyond the person's control (e.g., loss of employment, a business downturn, unexpected medical emergency, a death, divorce or separation, clear



victimization by predatory lending practices, or identity theft), and the individual acted responsibly under the circumstances;

(c) the individual has received or is receiving financial counseling for the problem from a legitimate and credible source, such as a non-profit credit counseling service, and there are clear indications that the problem is being resolved or is under control;

(d) the individual initiated and is adhering to a good-faith effort to repay overdue creditors or otherwise resolve debts;

(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; and

(g) the individual has made arrangements with the appropriate tax authority, to file or pay the amount owed and is in compliance with those arrangements.

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

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

Applicant described and documented numerous circumstances beyond his control, which adversely affected his finances. In summary, and in a relatively short period of time spanning a two-year period, his father passed away; he, his wife, and daughter all had serious costly medical issues; his reverse amortized mortgage increased significantly; and he had unplanned costly homeowner repair issues.

Applicant's conduct does not warrant full application of AG ¶ 20(a) because there is more than one delinquent debt, and his financial problems are not isolated. His debt remains a "continuing course of conduct" under the Appeal Board's jurisprudence. See ISCR Case No. 07-11814 at 3 (App. Bd. Aug. 29, 2008) (citing ISCR Case No. 01-03695 (App. Bd. Oct. 16, 2002)).

However, “[e]ven if [an applicant’s] financial difficulties initially arose, in whole or in part, due to circumstances outside his control, the [administrative judge] could still consider whether [the applicant] has since acted in a reasonable manner when dealing with those financial difficulties.” ISCR Case No. 05-11366 at 4 n.9 (App. Bd. Jan. 12, 2007) (citing ISCR Case No. 03-13096 at 4 (App. Bd. Nov. 29, 2005); ISCR Case No. 99-0462 at 4 (App. Bd. May 25, 2000); ISCR Case No. 99-0012 at 4 (App. Bd. Dec. 1, 1999)). A component is whether he maintained contact with creditors and attempted to negotiate partial payments to keep debts current. Applicant did provide documentary evidence that he initiated or maintained contact with his creditors well before his SOR was issued. In this case the record is well-documented with Applicant’s efforts to initiate and maintain contact with the IRS as well as his creditors through his DCC.

A security clearance adjudication is not a debt-collection procedure. It is a procedure designed to evaluate an applicant’s judgment, reliability, and trustworthiness. See ISCR Case No. 09-02160 (App. Bd. Jun. 21, 2010). An applicant is not required, as a matter of law, to establish resolution of every debt alleged in the SOR. An applicant need only establish a plan to resolve the financial problems and take significant actions to implement the plan. There is no requirement that an applicant make payments on all delinquent debts simultaneously, nor is there a requirement that the debts alleged in the SOR be paid first. See ISCR Case No. 07-06482 at 2-3 (App. Bd. May 21, 2008).

Applicant had made payment arrangements with the IRS in various formats since 2017 and, more recently, in 2021 set up a revised payment plan with the IRS with the help of his second CPA. His payment plan with the IRS is measured and his payments increase incrementally. Since 2018, Applicant enrolled all of his debts in a plan with a DCC. His DCC has paid, settled, or is attempting to settle all of his outstanding SOR debts. Similarly, Applicant’s payment plan with his DCC is also measured. Both of his payments to the IRS and the DCC are made by direct debit. Such actions demonstrate that he acted responsibly under the circumstances and has made and is making a good-faith effort to pay his debts. Additionally, Applicant sought financial counseling and there are clear indications that his financial problems are under control. He submitted sufficient evidence to dispute the legitimacy of the debt in SOR ¶ 1.m.

Applicant’s delinquent indebtedness “occurred under such circumstances that it is unlikely to recur and does not cast doubt on his current reliability, trustworthiness, or good judgment”; and does not impair his ability to protect classified information. As noted, AG ¶¶ 20(a) partially applies. AG ¶¶ 20(b) through 20(e), and 20(g) fully apply. Security concerns about Applicant’s finances are mitigated.

### **Whole-Person Concept**

Under the whole-person concept, the administrative judge must evaluate an applicant’s eligibility for a security clearance by considering the totality of the applicant’s conduct and all the circumstances. The administrative judge should consider the nine adjudicative process factors listed at AG ¶ 2(d):

(1) the nature, extent, and seriousness of the conduct; (2) the circumstances surrounding the conduct, to include knowledgeable participation; (3) the frequency and recency of the conduct; (4) the individual's age and maturity at the time of the conduct; (5) the extent to which participation is voluntary; (6) the presence or absence of rehabilitation and other permanent behavioral changes; (7) the motivation for the conduct; (8) the potential for pressure, coercion, exploitation, or duress; and (9) the likelihood of continuation or recurrence.

The ultimate determination of whether to grant eligibility for a security clearance must be an overall commonsense judgment based upon careful consideration of the guidelines and the whole-person concept. AG ¶ 2(c). The discussion in the Analysis section under Guideline F is incorporated in this whole-person section. However, further comments are warranted.

Applicant is a 58-year-old principal fellow (senior technical engineer), who has been employed by his current defense contractor employer since September 2018. For the past 36 years he spent his adult working life in the defense industry and has successfully held security clearances at various levels that entire time. During his long and distinguished career, he has contributed to the defense of the United States in very significant ways. He seeks to retain his Secret security clearance, which is a requirement of his continued employment.

Applicant is a law-abiding citizen and a productive member of society. He is current on his day-to-day expenses, lives within his means, and his SOR debts have been resolved or are in the process of being resolved. Although he still has work to do in paying down his debt, he has a reasonable and well thought out plan in place to accomplish that goal. While paying down his debt, he remains current on his daily expenses and lives within his means. He has provided evidence of being a productive, loyal, and responsible employee. Having had an opportunity to observe Applicant, and after reviewing the substantial evidence that he submitted, I am confident that he understands what is required to maintain financial responsibility.

I take this position based on the law, as set forth in *Department of Navy v. Egan*, 484 U.S. 518 (1988), my careful consideration of the whole-person factors and supporting evidence, my application of the pertinent factors under the adjudicative process, and my interpretation of my responsibilities under the adjudicative guidelines.

### **Formal Findings**

The formal findings on the allegations set forth in the SOR are as follows:

Paragraph 1, Guideline F:	FOR APPLICANT
Subparagraphs 1.a – 1.p:	For Applicant

## **Conclusion**

In light of all of the record as a whole, it is clearly consistent with the national interest to continue Applicant's security clearance. National security eligibility is granted.

ROBERT TUIDER  
Administrative Judge