



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



In the matter of:)	
)	
)	ISCR Case No. 22-00802
)	
Applicant for Security Clearance)	

Appearances

For Government: Daniel P. O’Reilley, Esq., Department Counsel
For Applicant: *Pro se*

06/30/2023

Decision

HALE, Charles C., Administrative Judge:

On July 11, 2022, the Department of Defense (DOD) issued a Statement of Reasons to Applicant detailing security concerns under Guideline F, financial considerations. The DoD acted under Executive Order (Exec. Or.) 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) implemented by the DoD on June 8, 2017.

Applicant responded to the SOR on July 19, 2022, and requested a hearing before an administrative judge. The case was assigned to me on April 3, 2023. The hearing was held as scheduled on May 9, 2023. At the close of the hearing, in response to Department Counsel’s closing argument, I queried if there would be an objection to a summary disposition. Department Counsel did not object. On June 16, 2023, I formally proposed to the parties that this case was appropriate for a summary disposition in Applicant’s favor. Neither party objected.

Applicant's financial problems were caused by series of serious health events starting in 2018, cumulating in her major emergency surgery in October 2022, which

kept her from work until February 2023 with limited disability compensation, as well as a car accident and unemployment. She managed to maintain several debts that were not alleged in the Statement of Reasons (SOR) and worked with her creditors. There is no evidence of negligence on her part, or any evidence of unwillingness to pay. She simply did not have the finances to do so at this point. Prior to her emergency surgery she had retained a lawyer to file Chapter 7 bankruptcy. She has paid what she can when employed and established a plan to resolve her financial problems. Based on the record evidence as a whole, I conclude that the security concerns are mitigated under the following mitigating conditions: AG ¶¶ 20(a), 20(b), and 20(d).

The concerns over Applicant's history of financial problems do not create doubt about her current reliability, trustworthiness, good judgment, and ability to protect classified information. In reaching this conclusion, I weighed the evidence as a whole and considered if the favorable evidence outweighed the unfavorable evidence. I also gave due consideration to the whole-person concept. Accordingly, I conclude that she met her ultimate burden of persuasion to show that it is clearly consistent with the national interest to grant her eligibility for access to classified information. This case is decided for Applicant.

Charles C. Hale
Administrative Judge