



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



In the matter of:)
)
) ISCR Case No. 22-02084
)
Applicant for Security Clearance)

Appearances

For Government: Adrienne Driskill, Esq., Department Counsel
For Applicant: Brian A. Pristera, Esq.

August 18, 2023

Decision

TUIDER, Robert, Administrative Judge:

Applicant submitted a Questionnaire for National Security Positions (SF-86) on March 22, 2022. On January 5, 2023, after reviewing the application and information gathered during a background investigation, the Department of Defense Consolidated Adjudications Facility, Fort Meade, Maryland, sent Applicant a statement of reasons (SOR), explaining it was unable to find that it was clearly consistent with the national interest to grant him eligibility for access to classified information.

This national security eligibility action was taken under Executive Order 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 *National Security Adjudicative Guidelines for Determining Eligibility for Access to Classified Information or Eligibility to Hold a Sensitive Position* (AG), which became effective within the DoD on June 8, 2017.

The SOR detailed the factual reasons for the action under the security guideline known as Guideline F for financial considerations. Applicant timely answered the SOR and requested a hearing. Department Counsel subsequently sent Applicant an Amended SOR on March 9, 2023 adding two allegations under financial considerations. Applicant timely answered the Amended SOR.

The case was assigned to another administrative judge on March 15, 2023; and on March 27, 2023, the case was reassigned to me. The hearing was held as scheduled on April 18, 2023. After reviewing the transcript and evidence, I proposed to the parties that this case was appropriate for a summary disposition in Applicant's favor. Both parties had ten days to consider the matter and to provide written notice of their objections. Neither party objected.

In summary, this case centers on marital debt and child support that Applicant incurred as a result of his 2017 divorce from his first wife. The SOR and Amended SOR allege eight debts totaling approximately \$56,537. Applicant's former spouse was required to pay her share of the community property debt; however, she failed to do so. Applicant has made a determined and measured effort to pay off his post-divorce/SOR debts.

Applicant has a total of five minor children, four with his first and former wife, and one with his second and current wife. His wife and five minor children are dependent on him for financial support. Applicant retired in 2018 from the U.S. Navy after 20 years of honorable service. He successfully held a security clearance for 25 years, has an excellent work record, and submitted a budget demonstrating that he leads a modest lifestyle and lives with his means.

Based on the record evidence as a whole, I conclude that Department Counsel presented sufficient evidence to establish the facts alleged in the SOR under Guideline F. I also conclude that Applicant presented sufficient evidence to explain, extenuate, or mitigate the facts admitted by Applicant or proven by Department Counsel. In particular, I conclude that the security concerns are resolved 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 his 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 or *vice versa*. I also gave due consideration to the whole-person concept. Accordingly, I conclude that he met his ultimate burden of persuasion to show that it is clearly consistent with the national interest to grant him eligibility for access to classified information. This case is decided for Applicant.

ROBERT TUIDER
Administrative Judge