



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



In the matter of:)
)
) ISCR Case No. 21-02082
)
Applicant for Security Clearance)

Appearances

For Government: Carroll J. Connelley, Esq., Department Counsel
For Applicant: Carl Marrone, Esq.

11/28/2023

Decision

HARVEY, Mark, Administrative Judge:

Guideline F (financial considerations) security concerns are mitigated. Eligibility for access to classified information is granted.

Statement of the Case

On February 11, 2020, Applicant completed an Electronic Questionnaires for Investigations Processing or security clearance application (SCA). (Government Exhibit (GE) 1) On February 10, 2022, the Department of Defense Consolidated Adjudications Facility (DOD CAF), the predecessor to the Defense Counterintelligence and Security Agency, issued a statement of reasons (SOR) to Applicant under Executive Order (Exec. Or.) 10865, *Safeguarding Classified Information within Industry* (February 20, 1960); Department of Defense (DOD) Directive 5220.6, *Defense Industrial Personnel Security Clearance Review Program* (Directive) (January 2, 1992), as amended; and Security Executive Agent Directive 4, establishing in Appendix A, the *National Security Adjudicative Guidelines for Determining Eligibility for Access to Classified Information or Eligibility to Hold a Sensitive Position* (AGs), effective June 8, 2017. (Hearing Exhibit (HE) 2)

The SOR detailed reasons why the DOD CAF did not find under the Directive that it is clearly consistent with the interests of national security to grant or continue a security clearance for Applicant and recommended referral to an administrative judge to determine whether a clearance should be granted, continued, denied, or revoked. Specifically, the SOR set forth security concerns arising under Guideline F. (HE 2) On

July 14, 2022, Applicant provided a response to the SOR, and he requested a hearing. (HE 3)

On August 30, 2022, Department Counsel was ready to proceed. On March 27, 2023, the case was assigned to me. On June 15, 2023, the Defense Office of Hearings and Appeals (DOHA) issued a notice setting the hearing for August 7, 2023. (HE 1) The hearing was held as scheduled using the Microsoft Teams video teleconference system. (*Id.*)

During the hearing, Department Counsel offered nine exhibits into evidence, and Applicant offered 12 exhibits into evidence. (Tr. 15-17; GE 1-GE 9; Applicant Exhibit (AE) A-AE L) All proffered exhibits were admitted into evidence without objection. (Tr. 16-17) On August 17, 2023, DOHA received a copy of the transcript. Applicant provided six post-hearing exhibits, which were admitted into evidence without objection. (AE M-AE R) The record closed on September 7, 2023. (Tr. 106)

Some details were excluded to protect Applicant's right to privacy. Specific information is available in the cited exhibits and transcript.

Findings of Fact

In Applicant's SOR response, he admitted all of the SOR allegations. He also provided mitigating information. (*Id.*) His admissions are accepted as findings of fact.

Applicant is a 54-year-old systems engineer who has worked for his current employer for the previous year. (Tr. 18-19; GE 1) In 2002, he received a bachelor's degree in information systems. (AE J at 170) In 2013, he first received a security clearance. (Tr. 19) His first marriage was from 2000 to 2004, and his second marriage was from 2005 to 2012. (Tr. 20, 53) His third marriage was in 2014. (Tr. 20) His current spouse works for an international organization. (Tr. 21) His son was born in 1999, and his stepson was born in 2004. (Tr. 20-21) His resume includes additional information about his professional training and experience. (AE J at 168)

Financial Considerations

SOR ¶ 1.c alleges Applicant filed a Chapter 7 bankruptcy in around June 2002. This bankruptcy was discharged in around February 2003. (AE B) Applicant filed for bankruptcy after his first wife lost her job. (Tr. 38, 40) His first spouse was unfaithful; she had health problems; and he divorced her in 2004. (Tr. 26-27, 40) This bankruptcy initially was a Chapter 13 bankruptcy, and he made about six payments before he converted it to a Chapter 7 bankruptcy. (Tr. 75; AE B) He estimated that about \$25,000 was discharged in the 2003 bankruptcy. (Tr. 75)

SOR ¶ 1.b alleges Applicant filed a Chapter 13 bankruptcy in around July 2007. Applicant said he was unable to make the monthly payments, and he elected to convert the Chapter 13 bankruptcy to a Chapter 7 bankruptcy around January 2009. (Tr. 39) The bankruptcy documentation lists five secured debts totaling about \$521,000, which

includes four vehicle loans and a real estate loan for about \$442,000. (AE C at 15-16) He had 10 unsecured nonpriority debts totaling about \$3,800. (AE C at 18-20) The Chapter 7 discharge was denied in around July 2009.

Before the 2007 bankruptcy was filed, Applicant was employed in information technology (IT) and making about \$60,000 annually. (Tr. 24) The dot com crash resulted in the loss of employment to thousands of IT workers, including Applicant. (Tr. 24-25) Applicant was unemployed for six months. (Tr. 25) He purchased a home in 2007, and the real estate market collapsed. (Tr. 42) His second spouse's annual income was about \$40,000. (Tr. 43) His wife was in a vehicle accident, and she suffered a concussion. (Tr. 44) After the accident, she was unable to work outside their home. (Tr. 44) At the time of her accident, his annual income was about \$80,000. (Tr. 45)

Applicant elected to file for a Chapter 13 bankruptcy initially in order to stop the foreclosure of his residence. (Tr. 27-28, 49) He believed filing for a Chapter 13 bankruptcy would assist in completion of a rehabilitation plan on their mortgage. (Tr. 50) The mortgage payment was not included in the Chapter 13 payment, and they were unable to afford the mortgage and Chapter 13 payments. (Tr. 51) He could not remember the amount of his Chapter 13 monthly payments. (Tr. 79) Applicant believes the conversion to a Chapter 7 discharge may have been unsuccessful in discharging his debts because it was too soon after the previous Chapter 7 discharge in 2003. Eight years is the current waiting period between Chapter 7 bankruptcy discharges. See U.S. Courts website, Discharge in Bankruptcy - Bankruptcy Basics, <https://www.uscourts.gov/services-forms/bankruptcy/bankruptcy-basics/discharge-bankruptcy-bankruptcy-basics#:~:text=Can%20a%20debtor%20receive%20a,the%20second%20petition%20is%20filed.> (HE 4)

Applicant's mortgage lender paid Applicant \$10,000 to leave his residence in good condition and the lender received the property without having to go through the foreclosure process. (Tr. 46, 48) The \$10,000 payment may have occurred after the bankruptcy was dismissed. (Tr. 80) He used the \$10,000 to pay some debts. (Tr. 52) Applicant and his spouse moved in with her parents for six months. (Tr. 49) His spouse shared the \$20,000 settlement from her vehicle accident with her siblings and parents, and it was not used to address their debts. (Tr. 53, 77) Applicant's divorce from his second wife was final in 2012, and at that time, his annual income was about \$90,000. (Tr. 54)

In 2014, Applicant married for the third time. (Tr. 57) In March 2017, they purchased a home. (Tr. 59) The monthly mortgage payment was about \$3,400. (Tr. 60) In May 2017, his monthly income was reduced 50 percent due to the loss of one of his employments. (Tr. 60-61) He used his savings to keep his debts current. (Tr. 65)

SOR ¶ 1.a alleges Applicant filed a Chapter 13 bankruptcy in about June 2018. Applicant was fired from his employment in May 2017, and his spouse was not employed outside their home. (Tr. 83-84; GE 6 at 46) He accumulated debt on his credit cards while he looked for employment. (Tr. 82-83) He did not miss any payments to his creditors before he filed for bankruptcy. (Tr. 62) His credit score before he filed the bankruptcy was 770. (SOR response) He missed some payments during the five-year payment plan when

he was changing employment contracts or due to a lack of communication, and he provided a cashier's check, which did not clear; however, he successfully completed the plan, and at the time of his hearing, he was waiting for the bankruptcy judge to issue the discharge. (Tr. 63-64, 87) He worked multiple jobs to ensure he made the payments under his Chapter 13 plan. (Tr. 64-65)

When Applicant filed for bankruptcy in 2018, he listed 25 unsecured debts totaling \$178,000. (Tr. 81; GE 6 at 27; AE D at 65) The total claims were about \$229,000. (AE D at 32) The accounts were opened between 2010 and 2017. (Tr. 81) The largest debt was for \$97,850, and the funds were borrowed in November 2015 to start a side business. (Tr. 98-99) The Chapter 13 bankruptcy payment plan was confirmed in August 2018. (AE D at 101) He paid about \$129,000 into the bankruptcy plan over the five-year term. (AE D at 32) On July 29, 2020, Applicant's mortgage had a balance of about \$410,000, and an estimated market value of about \$583,000. (GE 6 at 10, 16; GE 9) The mortgage was not included in the Chapter 13 bankruptcy. (GE 9)

On April 16, 2021, the bankruptcy trustee moved to dismiss the Chapter 13 bankruptcy because he incurred a \$9,000 post-petition federal income tax liability. (Tr. 87; GE 8) He was unsure about the tax year (TY) which caused the liability, or what the result was for his bankruptcy; however, it was not dismissed. (Tr. 88) Applicant said he owes about \$10,000 in federal income taxes for TY 2022. (Tr. 88-89) His spouse is paid quarterly by an international organization, and he believed that organization was responsible for paying her federal income taxes. (Tr. 89-90) He said that his spouse's employer owed her for several years of federal income tax debt. (Tr. 89-90) He promised to pay any tax debt not paid by her employer. (Tr. 89) He estimated his and his spouse's total federal income tax debt is \$20,000. (Tr. 90) He did not plan to start an IRS payment plan until the Chapter 13 bankruptcy is completed. (Tr. 91, 95) He provided his tax returns for TYs 2018 to 2022, which are summarized in the following table. (AE N-AE R) Applicant could have made some payments when he filed his tax returns, and the number shown in the table for taxes owed is not necessarily the amount owed at this time.

Tax Year	Adjusted Gross Income Rounded to Nearest \$1,000	Taxes Owed () or Refunded Rounded to Nearest \$100	Filing Status
2018	\$138,000	\$100	Married Filing Separately
2019	\$208,000	(\$2,000)	Married Filing Jointly
2020	\$181,000	(\$6,600)	Married Filing Jointly
2021	\$270,000	\$10,700	Married Filing Jointly
2022	\$334,000	(\$15,600)	Married Filing Jointly

On March 8, 2022, the bankruptcy trustee filed a motion to dismiss his Chapter 13 bankruptcy because he was behind in his payments by about \$7,000. (Tr. 91; GE 8) He was unsure of the basis of another 2022 motion the trustee filed to dismiss his bankruptcy. (Tr. 92-93; GE 8)

When Applicant initially filed his 2018 bankruptcy, his and his spouse's annual income was about \$103,500, and his monthly disposable income was about \$1,700. (AE D at 85, 86) For 2016, they earned about \$197,000; for 2017, they earned about \$129,000; and for the first six months of 2017, they earned about \$47,000. (AE D at 74) He said he told the bankruptcy trustee on an annual basis about the increases in his income. (Tr. 98) His monthly payments to the trustee started at \$1,220 and increased to \$3,700 over the five-year term of the bankruptcy. (Tr. 93, 98) His personal financial statement indicates his monthly salary from three jobs is currently \$28,634. (Tr. 69-74; AE E) He is available to work or on call for IT problems about 115 hours a week. (Tr. 74, 94) However, he does not actually work that many hours. (Tr. 94) His spouse's current monthly income is about \$5,600. (Tr. 74)

Applicant's Chapter 13 bankruptcy was completed in June 2023. (Tr. 96) He believed the creditors were paid 70 percent of their claims. (Tr. 97) On August 10, 2023, the trustee certified completion of the payment plan. (AE M)

Applicant received credit counseling in connection with his bankruptcies in 2007 and 2018. (AE C at 13; AE D at 42)

Character Evidence

A friend of Applicant's current wife, his supervisor at one of his employments, and his friend made verbal statements on Applicant's behalf at his hearing, and he provided three written statements from coworkers or friends. (Tr. 29-37, 101-115; AE K at 172-174) The general sense of their statements is that Applicant is prudent with his spending, mature, honest, and trustworthy.

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." *Id.* at 527. The President has authorized the Secretary of Defense or his designee to grant applicant's 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.

Eligibility for a security clearance is predicated upon the applicant meeting the criteria contained in the adjudicative guidelines. These guidelines are not inflexible rules of law. Instead, recognizing the complexities of human behavior, these guidelines are applied in conjunction with an evaluation of the whole person. An administrative judge's overarching adjudicative goal is a fair, impartial, and commonsense decision. An administrative judge must consider all available, reliable information about the person, past and present, favorable and unfavorable.

The Government reposes a high degree of trust and confidence in persons with access to classified information. This relationship transcends normal duty hours and endures throughout off-duty hours. 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 about potential, rather than actual, risk of compromise of classified information. 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 it is based, in whole or in part, on any express or implied determination about applicant’s allegiance, loyalty, or patriotism. It is merely an indication the applicant has not met the strict guidelines the President, Secretary of Defense, and Director of National Intelligence have established for issuing a clearance.

Initially, the Government must establish, by substantial evidence, conditions in the personal or professional history of the applicant that may disqualify the applicant from being eligible for access to classified information. The Government has the burden of establishing controverted facts alleged in the SOR. See *Egan*, 484 U.S. at 531. “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 guidelines presume a nexus or rational connection between proven conduct under any of the criteria listed therein and an applicant’s security suitability. See ISCR Case No. 95-0611 at 2 (App. Bd. May 2, 1996).

Once the Government establishes a disqualifying condition by substantial evidence, the burden shifts to the applicant to rebut, explain, extenuate, or mitigate the facts. Directive ¶ E3.1.15. An applicant “has the ultimate burden of demonstrating that it is clearly consistent with the national interest to grant or continue his [or her] security clearance.” ISCR Case No. 01-20700 at 3 (App. Bd. Dec. 19, 2002). The burden of disproving a mitigating condition never shifts to the Government. See ISCR Case No. 02-31154 at 5 (App. Bd. Sep. 22, 2005). “[S]ecurity clearance determinations should err, if they must, on the side of denials.” *Egan*, 484 U.S. at 531; see AG ¶ 2(b).

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.

AG ¶ 19 includes disqualifying conditions that could raise a security concern and may be disqualifying in this case: "(a) inability to satisfy debts"; and "(c) a history of not meeting financial obligations." The record establishes the disqualifying conditions in AG ¶¶ 19(a) and 19(c) requiring additional inquiry about the possible applicability of mitigating conditions. Discussion of the disqualifying conditions is contained in the mitigation section, *infra*.

The financial considerations mitigating conditions under AG ¶ 20 which may be relevant in this case 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; and

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

In ISCR Case No. 10-04641 at 4 (App. Bd. Sept. 24, 2013), the DOHA Appeal Board 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).

Applicant filed a Chapter 7 bankruptcy in around June 2002, and the bankruptcy court discharged about \$25,000 in nonpriority unsecured debts in around February 2003. Applicant and his spouse filed for bankruptcy after his first wife lost her job.

Applicant filed a Chapter 13 bankruptcy in around July 2007. Applicant was unable to make the monthly payments, and he elected to convert the Chapter 13 bankruptcy to a Chapter 7 bankruptcy around January 2009. Applicant was unemployed for six months before he filed for bankruptcy. His second spouse was in a vehicle accident, and she was unable to work outside their home. The Chapter 7 bankruptcy was dismissed most likely because bankruptcy law requires an eight-year separation between Chapter 7 bankruptcy discharges.

Applicant filed a Chapter 13 bankruptcy in about June 2018, and he successfully completed the five-year term. Before he filed for bankruptcy, he had an excellent credit score and no delinquent debts. He filed for bankruptcy after he was fired from his employment in May 2017, and his spouse was not employed outside their home. He owes about \$20,000 in federal income taxes. He and his spouse believed her international employer would pay about \$10,000 of their tax debt. Now that his Chapter 13 bankruptcy has been completed, he is able to resolve his federal income tax debt.

Applicant utilized Chapter 13 of the Bankruptcy Code from 2018 to 2023 to establish his financial responsibility. The U.S. Courts website, "Chapter 13, Bankruptcy Basics" webpage, available at <https://www.uscourts.gov/services-forms/bankruptcy/bankruptcy-basics/chapter-13-bankruptcy-basics> (HE 5) provides information about the Chapter 13 bankruptcy purpose and procedures as follows:

A chapter 13 bankruptcy is also called a wage earner's plan. It enables individuals with regular income to develop a plan to repay all or part of their debts. Under this chapter, debtors propose a repayment plan to make installments to creditors over three to five years. If the debtor's current monthly income is less than the applicable state median, the plan will be for three years unless the court approves a longer period "for cause." (1) If the

debtor's current monthly income is greater than the applicable state median, the plan generally must be for five years. In no case may a plan provide for payments over a period longer than five years. 11 U.S.C. § 1322(d). During this time the law forbids creditors from starting or continuing collection efforts. . .

Chapter 13 offers individuals a number of advantages over liquidation under chapter 7. Perhaps most significantly, chapter 13 offers individuals an opportunity to save their homes from foreclosure. By filing under this chapter, individuals can stop foreclosure proceedings and may cure delinquent mortgage payments over time. Nevertheless, they must still make all mortgage payments that come due during the chapter 13 plan on time. Another advantage of chapter 13 is that it allows individuals to reschedule secured debts (other than a mortgage for their primary residence) and extend them over the life of the chapter 13 plan. . . . Finally, chapter 13 acts like a consolidation loan under which the individual makes the plan payments to a chapter 13 trustee who then distributes payments to creditors. Individuals will have no direct contact with creditors while under chapter 13 protection.

* * *

Debts not discharged in chapter 13 include certain long-term obligations (such as a home mortgage), debts for alimony or child support, certain taxes, debts for most government funded or guaranteed educational loans or benefit overpayments, debts arising from death or personal injury caused by driving while intoxicated or under the influence of drugs, and debts for restitution or a criminal fine included in a sentence on the debtor's conviction of a crime. To the extent that they are not fully paid under the chapter 13 plan, the debtor will still be responsible for these debts after the bankruptcy case has concluded. Debts for money or property obtained by false pretenses, debts for fraud or defalcation while acting in a fiduciary capacity, and debts for restitution or damages awarded in a civil case for willful or malicious actions by the debtor that cause personal injury or death to a person will be discharged unless a creditor timely files and prevails in an action to have such debts declared nondischargeable. 11 U.S.C. §§ 1328, 523(c); Fed. R. Bankr. P. 4007(c). (HE 5)

The bankruptcy court is required to assess an applicant's ability to pay his creditors and must establish a payment plan based on ability to pay. (HE 5) The bankruptcy trustee is required to pay the secured claims and priority claims before the other claims. (*Id.*) Assuming an applicant is honest in his bankruptcy filings, there is a presumption the bankruptcy court will set an appropriate payment scheme. (*Id.*) If the applicant successfully completes his or her payment plan, the creditors will be paid to the extent warranted by law under the supervision of the trustee. (*Id.*) Upon completion of the payment plan, the applicant receives a fresh financial start. (*Id.*)

Applicant credibly promised to pay his federal income tax debt of about \$20,000 if his spouse's international entity fails to pay it. He and his spouse have ample income to pay this debt.

Applicant's financial problems were caused by his unemployment, his spouses' unemployment, or both. From 2018 to 2023, he established his compliance with the trustee's payment plan, which was approved by the bankruptcy court. He demonstrated a good-faith effort to resolve his debts. There are clear indications that his financial problems are being resolved and are under control. His finances do not cast doubt on his current reliability, trustworthiness, and good judgment. Financial considerations security concerns are mitigated.

Whole-Person Analysis

In all adjudications, the protection of our national security is the paramount concern. A careful weighing of a number of variables in considering the "whole-person" concept is required, including the totality of his or her acts, omissions, and motivations. Each case is decided on its own merits, taking into consideration all relevant circumstances and applying sound judgment, mature thinking, and careful analysis. Under the whole-person concept, the administrative judge and the PSAB 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.

Under AG ¶ 2(c), "[t]he ultimate determination" of whether to grant or continue national security eligibility "must be an overall common-sense judgment based upon careful consideration of the [pertinent] guidelines" and the whole-person concept. My comments under Guideline F are incorporated in my whole-person analysis. Some of the factors in AG ¶ 2(d) were addressed in my discussion of that guideline, but some warrant additional comment.

Applicant is a 54-year-old systems engineer. In 2002, he received a bachelor's degree in information systems. His resume includes additional information about his professional training and experience.

Applicant filed for bankruptcy in 2002, 2007, and 2018. His nonpriority, unsecured debts were discharged in 2003 and 2023. His financial problems were caused by circumstances beyond his control. His income was reduced because of unemployment of himself or his spouse or both. Before the loss of his job in 2018, he did not have any delinquent debt. He successfully completed the five-year Chapter 13 payment plan in

2023. He received financial counseling. He showed good faith and acted responsibly under the circumstances. He has ample income to maintain his financial responsibility. He understands that maintenance of his financial responsibility is necessary for him to retain his security clearance.

It is well settled that once a concern arises regarding an applicant's security clearance eligibility, there is a strong presumption against granting a security clearance. See *Dorfmont*, 913 F. 2d at 1401. "[A] favorable clearance decision means that the record discloses no basis for doubt about an applicant's eligibility for access to classified information." ISCR Case No. 18-02085 at 7 (App. Bd. Jan. 3, 2020) (citing ISCR Case No. 12-00270 at 3 (App. Bd. Jan. 17, 2014)).

I have carefully applied the law, as set forth in *Egan*, Exec. Or. 10865, the Directive, the AGs, and the Appeal Board's jurisprudence to the facts and circumstances in the context of the whole person. Applicant mitigated financial considerations security concerns.

Formal Findings

Paragraph 1, Guideline F:	FOR APPLICANT
Subparagraphs 1.a, 1.b, and 1.c:	For Applicant

Conclusion

In light of all of the circumstances presented by the record in this case, it is clearly consistent with the interests of national security to grant Applicant eligibility for access to classified information. Eligibility for access to classified information is granted.

Mark Harvey
Administrative Judge