



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



In the matter of:)
)
) ADP Case No. 22-02351
)
Applicant for Public Trust Position)

Appearances

For Government: Adrienne Driskill, Esq., Department Counsel
For Applicant: *Pro se*

02/09/2024

Decision

TUIDER, Robert, Administrative Judge:

Applicant submitted a Questionnaire for National Security Positions (SF-86) on May 3, 2022. On December 22, 2022, after reviewing her SF-86 and information gathered during a background investigation, the Defense Counterintelligence and Security Agency Consolidated Adjudications Services, 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 her eligibility for access to sensitive 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. The case was assigned to me on April 3, 2023. The hearing was held on May 25, 2023. The record was held open until July 28, 2023, and extended to September 15, 2023, to afford the Applicant an opportunity to submit additional post-hearing evidence. I subsequently reopened the record on February 6, 2024, to review Applicant's recent credit report. 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.

Applicant is a 58-year-old transcriptionist employed by a defense contractor since April 2019 and assigned to a military hospital. She is a single mother with two daughters, ages 27 and 17. Her annual salary is approximately "\$31,000 to \$32,000." This case centers on the significant debt that Applicant incurred after she lost a previous job when her then employer went out of business in April 2019. She was unemployed from May 2019 to November 2019. She was briefly employed from November 2019 to April 2020 until she was laid off as a result of the COVID epidemic. In 2021 her father passed away, and in 2022 her sister passed away. Applicant incurred unplanned expenses to help defray funeral expenses for her father and sister.

Applicant's SOR alleged 15 delinquent debts totaling \$26,920. Realizing her debt had become unmanageable, Applicant sought the advice of a bankruptcy attorney. She filed for Chapter 7 bankruptcy on May 8, 2023. Before filing, she completed the mandatory financial counseling. Her budget reflects that she leads a modest lifestyle and lives within her means. At the time of her hearing on May 25, 2023, she was awaiting Chapter 7 discharge. She received her discharge on August 15, 2023, and timely submitted proof of her discharge while the record was open. A review of Applicant's February 6, 2024 credit report indicates that she has not incurred any delinquent debt since her discharge and her accounts are in good standing. Applicant's reference letters document her excellent work record, good character, trustworthiness, and willingness to help other at work and in her community.

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 proven by Department Counsel. In particular, I conclude that the security concerns are mitigated under AG ¶¶ 20(a), 20(b), 20(c), 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 sensitive information. In reaching this conclusion, I weighed the evidence as a whole and considered whether the favorable evidence outweighed the unfavorable evidence or *vice versa*. I also gave due consideration to the whole-person concept. Accordingly, I conclude that Applicant met her ultimate burden of persuasion to show that it is clearly consistent with the national interest to grant her national security eligibility for a public trust position. This case is decided for Applicant.

ROBERT TUIDER
Administrative Judge