



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



In the matter of:)	
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Applicant for Security Clearance)	ISCR Case No. 23-02340

Appearances

For Government: Sakeena Farhath, Esq., Department Counsel
For Applicant: *Pro se*

08/30/2024

Decision

BENSON, Pamela C., Administrative Judge:

Applicant failed to successfully mitigate Guidelines E, J, and F security concerns. Eligibility for access to classified information is denied.

Statement of the Case

On January 29, 2024, the Defense Counterintelligence and Security Agency Consolidated Adjudication Services (DCSA CAS) issued a Statement of Reasons (SOR) to Applicant detailing security concerns under Guidelines E (personal conduct), J (criminal conduct), and F (financial considerations). This action was taken under Executive Order (EO) 10865, *Safeguarding Classified Information within Industry* (February 20, 1960), as amended; Department of Defense (DOD) Directive 5220.6, *Defense Industrial Personnel Security Clearance Review Program* (January 2, 1992), as amended (Directive); and the adjudicative guidelines implemented by the DOD on June 8, 2017.

In his February 2024 SOR response (Answer), Applicant admitted SOR allegations ¶¶ 1.a – 1.d, 2.a, 3.a, 3.d, 3.f, and 3.k, and the remaining SOR allegations were denied. He requested a hearing before an administrative judge. The case was assigned to me on April 3, 2024. The Defense Office of Hearings and Appeals (DOHA) issued a notice of

hearing on April 29, 2024, setting the hearing for June 12, 2024. The hearing was held as scheduled.

During the hearing, Department Counsel offered Government Exhibits (GE) 1 through 8; Applicant testified but did not offer any documents. I admitted the Government's proffered exhibits into evidence without objection. I held the record open for two weeks in the event either party wanted to supplement the record with additional documentation. Applicant was provided a personal financial statement to complete after the hearing to get a better understanding of his current finances. He timely submitted 13 documents I labeled as Applicant Exhibit (AE) A through M. There were no objections, and I admitted these documents into evidence. DOHA received the hearing transcript (Tr.) on June 18, 2024, and the record closed on June 27, 2024.

Evidentiary Issue

Department Counsel made a motion to amend the SOR during the hearing after Applicant testified that he had received mental health treatment in 2020, and he was diagnosed with bipolar disorder and depression. He did not disclose this information on his September 2022 security clearance application (SCA), as required. Department Counsel requested this new information to be included under Guideline E. I denied her motion. I determined that the unalleged mental health information and his failure to list it on his SCA would not be considered as disqualifying; however, I would consider that information in determining the applicability of mitigating conditions and in my whole-person analysis. (Tr. 71)

Findings of Fact

Applicant's admissions are included in the findings of fact. After a thorough and careful review of the pleadings, testimony, and exhibits submitted, I make the following findings of fact.

Applicant is 27 years old. He served in the U.S. Army from 2015 to 2018. He was separated from the Army prior to the expiration of his term of service due to unsatisfactory performance. In 2024 he earned a bachelor's degree. He married in 2017 and he has three children, ages six, four, and two. Since August 2022, he has been employed for a government contractor as a security officer. (GE 1, GE 3; Tr. 14-15)

Criminal Conduct

Applicant was charged with Assault – Domestic, 2nd degree felony, in April 2018. (SOR ¶ 2.a) He admitted this charge in his Answer. He testified that he and his wife were having an argument early in the morning. He had her keys, and he claimed she had his debit card. He threw her keys off their balcony. Applicant stated, "I tapped her on her head. I don't want to say I smacked her man, because, you know, you might misinterpret it. But I just, you know, lightly tapped her head. That was it." Department Counsel pointed out the police report reflected a neighbor had called police after hearing a loud

disturbance, to include hearing a female yell “Stop raping me!” Department Counsel asked Applicant if his wife had accused him of raping her to the police. He stated,

So, in that moment, I honestly do not remember. But I assume she was, I don't know. It was literally all a blur. I don't remember because I wasn't going to do anything. They -- that's what the officer said, that he -- the downstairs neighbor -- the downstairs neighbor said. (Tr. 15-17; GE 4)

Applicant's wife had reported to police officers that Applicant had struck her on the head three times that morning. She also told officers that Applicant had made threats to “kill her” and had strangled her a couple of times, as recently as last week. The report stated that Applicant was 6'3"/201 pounds, and his wife was 5'4"/94 pounds. At the hearing, Applicant disagreed with the police report and stated that he had only tapped her on the head one time. He denied that he ever made any death threats or strangled his wife. Department Counsel pointed out that the police had asked him if he had ever strangled his wife, and Applicant admitted that he had choked her once, and he had threatened to kill her that same night. This information was contained in the police report. SOR ¶ 2.b alleged that Applicant had a history of assaulting his spouse and making threats against her life. He denied this in his Answer.

During the hearing, Applicant stated he could not recall telling the police officers this information. He admitted, however, that just after this incident he told his wife something to the effect “that he was done,” and his wife misinterpreted his comment to mean that he was going to kill himself. She called his friend, who then reported this information to his Army command, and Applicant was involuntarily held in a psych ward over the weekend. He was required to see a therapist until June 2018, when he left the Army. (GE 2, GE 4; Tr. 18-20, 23-29, 70-71)

Applicant testified that in addition to mental health treatment he received in 2018, he also saw a doctor in 2020 who diagnosed him with bipolar disorder and depression. He was prescribed medications, but less than a year into treatment, he stopped seeing the doctor, and he stopped taking his medications. He was not currently receiving treatment for these conditions. Department Counsel asked Applicant why he had not disclosed this information on his September 2022 security clearance application (SCA), or in his October 2023 interrogatory, after he was specifically asked about his mental health history. He stated, “Actually, I couldn't tell you why I left that out.” He believed that he must have misread the question when completing the SCA. This information was not alleged in his SOR. (Tr. 31-37; GE 1, GE 2 pg. 27)

Personal Conduct

Applicant submitted an Electronic Questionnaire for Investigations Processing (e-QIP), or also known as a security clearance application (SCA), on September 23, 2022. He answered “No” to “Section 15 – Military History – In the past 7 years, have you been subject to court martial or other disciplinary procedure under the Uniform Code of Military Justice (UCMJ), such as Article 15, Captain's mast, Article 135 Court of Inquiry, etc.?” He deliberately failed to disclose that in February 2016, he received a Summarized Article 15

for violation of Article 92, UCMJ, for failure to follow orders. (SOR ¶ 2.a) He also deliberately failed to disclose this information during his December 2022 background interview, after he was specifically asked by an authorized DOD investigator if he had any disciplinary actions in the military. (SOR ¶ 2.d) Applicant admitted both of these SOR allegations in his Answer. (Answer; GE 1, GE 3)

SOR ¶ 2.e alleged that during Applicant's December 2022 background interview with a DOD investigator, he falsified material facts when he denied that he had been separated from the Army for failing the Army Physical Fitness Test (APFT) on two occasions. During the hearing, Applicant denied that he was separated from the Army prior to the expiration of his military term of service due to unsatisfactory performance, APFT Failure. The documents in the record, however, show that Applicant signed and acknowledged the receipt notice from his commander on May 15, 2018, which included this specific information. (GE 3; Tr. 38-39, 42)

SOR ¶ 2.b alleged that Applicant submitted a SCA on September 23, 2022, and he answered "No" to all the police record questions under Section 22. The first block of questions asked for information that occurred "In the last seven (7) years." The second block of questions asked for information that "EVER" happened, including questions that asked: "Have you EVER been charged with any felony offense?" Applicant deliberately failed to disclose that he was arrested in April 2018 for Assault – Domestic, a 2nd degree felony. Applicant admitted this allegation in his Answer. (Answer; GE 1, GE 3)

SOR ¶ 2.c alleged that Applicant submitted a SCA on September 23, 2022, and he answered "No" to all the financial questions under Section 26, which asked if in the past seven years he had a judgment entered against him, bills turned over to a collection agency, accounts charged off, suspended or canceled for failing to pay as agreed, if he had been over 120 days delinquent on any type of debt not previously disclosed, or if he was currently 120 days delinquent on any debt. He deliberately failed to disclose that he had at least 11 delinquent accounts, as set forth under Guideline F, ¶¶ 3.a through 3.k. Applicant admitted this allegation in his Answer. During the hearing he stated, "I don't really have an answer for why I didn't include my debt." (Answer; GE 1; Tr. 46)

Financial Considerations

The SOR alleges 11 delinquent accounts totaling approximately \$34,000, as follows:

SOR ¶ 3.a alleges that Applicant is indebted to an auto manufacturer for an account charged off in the amount of \$19,201. He admitted this debt in his Answer. He purchased a 2018 vehicle and returned the car in 2019 because he could no longer make the loan payments. The car was sold at auction, and he is responsible for the deficiency balance. Applicant stated that he had been making payments on this account to his lawyer, and he would provide documentation while the record was held open. The March 2024 credit report reflected that \$26,508 was charged off, and the current outstanding balance had increased to \$20,177. Applicant did not provide sufficient proof of his monthly payments and this account remains outstanding. (GE 6; Tr. 46-49; AE M; Answer)

SOR ¶ 3.b alleges that Applicant is indebted to a credit union for a judgment filed against him in 2020 in the approximate amount of \$10,499. A garnishment order was issued in December 2020. As of the date of the SOR, the garnishment order had not been completed. During the hearing, Applicant testified that he was present at his 2020 judgment hearing, and he agreed to pay down this debt. His bank account was garnished for a period of time, but he no longer has that bank account. He has not made any payments as promised after the garnishment stopped. This judgment remains unsatisfied. (Tr. 52-55; GE 5)

SOR ¶ 3.c alleges that Applicant is indebted to a collection agency for a cell phone account referred for collection in the amount of \$1,437. Applicant denied this account because he claimed he never had cell phone service with this provider. He believed it could be the result of identity theft. He is disputing this account and he has not made any payments. There is insufficient evidence in the record to show that this account is being resolved or legitimately disputed. This delinquent debt remains outstanding. (AE H, AE K; Tr. 55-56; GE 6, GE 7, GE 8)

SOR ¶ 3.d alleges that Applicant is indebted to a collection agency for a bank account referred for collection in the amount of \$631. Applicant admitted this delinquent account in his Answer. During the hearing, however, he stated that he did not recognize this account and is currently disputing it. His post-hearing documentation showed that he disputed this account with the credit bureau in February 2024. There is insufficient evidence of resolution of this account, and it remains outstanding. (Answer; Tr. 49-50; AE I)

SOR ¶ 3.e alleges that Applicant is indebted to a collection agency for an apartment complex account referred for collection in the amount of \$631. Applicant admitted that he had lived at this apartment for two years. He was charged for carpet restoration/cleaning in his apartment. He disagrees with the assessment and is currently disputing this account. There is insufficient evidence in the record to show that this account is being resolved. The delinquent debt remains outstanding. (Tr. 56-57; GE 6, GE 7, GE 8)

SOR ¶ 3.f alleges that Applicant is indebted to a collection agency for a bank credit card referred for collection in the amount of \$572. Applicant admitted this delinquent account in his Answer. During the hearing he stated it was paid off, but then he clarified that the account had been removed from his credit report after he disputed it. The documentation he provided showed the disputed account was deleted from his credit report in May 2024. A June 2024 statement from the collection agency reflected he had made a payment of \$400.60, which apparently was the amount of an agreed upon settlement. This debt has been resolved. (Answer; Tr. 50-52; AE C, AE D, AE J)

SOR ¶ 3.g alleges that Applicant is indebted to a bank for a credit card account charged off in the amount of \$336. He denied that he had used this credit card in another state where charges were made on the account. Despite his disagreement of the charges, the creditor continues to hold him responsible. He stated that he will not pay it, and he is

currently disputing this account. There is insufficient evidence in the record to show that this account is being resolved. The delinquent debt remains outstanding. (Tr. 57-59; GE 6, GE 7, GE 8)

SOR ¶ 3.h alleges that Applicant is indebted to a collection agency for a speedy payday loan account referred for collection in the amount of \$917. Applicant denied this debt and assumed his identity had been stolen in this instance. He is currently disputing this account. There is insufficient evidence in the record to show that this account is being resolved or legitimately disputed. The delinquent debt remains outstanding. (AE G; Tr. 59-60; GE 6, GE 7, GE 8)

SOR ¶ 3.i alleges that Applicant is indebted to a finance creditor for an account charged off in the amount of \$761. Applicant stated that his friend bought furniture and Applicant co-signed on the loan. His friend moved out of the apartment, and Applicant became responsible for the debt. At this time, he has no plans to pay this account although he admitted he is legally responsible for this account. This delinquent debt remains outstanding. (Tr. 60-62; GE 6, GE 7, GE 8)

SOR ¶ 3.j alleges that Applicant is indebted to a collection agency for an unpaid medical account referred for collection in the amount of \$350. Applicant is disputing this medical account because he receives all of his medical care through the Veterans Affairs (VA), and all of his medical expenses are covered. He denies responsibility for any unpaid medical accounts. There is insufficient evidence in the record to show that this account is being resolved or legitimately disputed. The delinquent debt remains outstanding. (Tr. 62-63; GE 6, GE 7, GE 8)

SOR ¶ 3.k alleges that Applicant is indebted to a medical provider for an account referred for collection in the amount of \$27. Applicant is disputing this medical account because he receives all of his medical care through the VA, and all of his medical expenses are covered. He denies responsibility for any unpaid medical accounts. There is insufficient evidence in the record to show that this account is being resolved or legitimately disputed. The delinquent debt remains outstanding. (Tr. 62-63; GE 6, GE 7, GE 8)

The majority of the SOR debts were not recognized by Applicant. He assumed his identity had been stolen, although he admitted he had never filed a police report reporting his identity theft. He stated that he is disputing all unrecognized delinquent accounts. For protection, he keeps a "lock" on his credit report so that no new accounts can be established. (Tr. 67-68)

Applicant provided a personal financial statement (PFS) which reflected his and his spouse's net monthly income combined was \$8,603. After deducting monthly expenses and debt payments, they were left with a monthly net remainder of \$2,008. Applicant listed on the bottom of the PFS that he always places \$700 into his savings account, which would then leave him with a monthly net remainder of \$1,308. He reflected that he was paying \$400 a month to the car manufacturer, as alleged in SOR ¶ 3.a. There

were no other payments reflected on the PFS for the remaining ten delinquent debts. (AE A)

Policies

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 the adjudicative process. The administrative judge's overarching adjudicative goal is a fair, impartial, and commonsense decision. According to AG ¶ 2(c), 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 security 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

Guideline E: Personal Conduct

AG ¶ 15 explains why personal conduct is a security concern stating:

Conduct involving questionable judgment, lack of candor, dishonesty, or unwillingness to comply with rules and regulations can raise questions about an individual's reliability, trustworthiness, and ability to protect classified or sensitive information. Of special interest is any failure to cooperate or provide truthful and candid answers during national security investigative or adjudicative processes.

AG ¶ 16 lists two personal conduct conditions that could raise a security concern and may be disqualifying as follows:

(a) deliberate omission, concealment, or falsification of relevant facts from any personnel security questionnaire, personal history statement, or similar form used to conduct investigations, determine employment qualifications, award benefits or status, determine national security eligibility or trustworthiness, or award fiduciary responsibilities; and

(b) deliberately providing false or misleading information; or concealing or omitting information, concerning relevant facts to an employer, investigator, security official, competent medical or mental health professional involved in making a recommendation relevant to a national security eligibility determination, or other official government representative.

AG ¶¶ 16(a) and 16(b) are established. The disqualifying conditions are discussed in the mitigating section, *infra*.

AG ¶ 17 lists two personal conduct conditions that could mitigate security concerns:

(a) the individual made prompt, good-faith efforts to correct the omission, concealment, or falsification before being confronted with the facts; and

(b) the refusal or failure to cooperate, omission, or concealment was caused or significantly contributed to by advice of legal counsel or of a person with professional responsibilities for advising or instructing the individual specifically concerning security processes. Upon being made aware of the requirement to cooperate or provide the information, the individual cooperated fully and truthfully.

Applicant's September 2022 SCA asked whether he had received discipline under the UCMJ, if he had been arrested in the last seven years or if he had EVER been charged with a felony criminal violation, and if he had any debts in collections or charged off, or

judgments filed against him in the previous seven years. He answered, “No,” to all of these questions, even though he knew he had received a Summarized Article 15 for a violation of the UCMJ, he had been arrested in 2018 and charged with domestic assault, a 2nd degree felony, and that he had an outstanding judgment and several delinquent debts, which met the reporting criteria. He admitted all of these allegations in his Answer. He deliberately omitted relevant and material information on the September 2022 SCA concerning multiple questions.

Applicant met with an investigator during his December 2022 background interview. He deliberately failed to disclose that he had received a Summarized Article 15 for a violation of the UCMJ when queried, and he also denied that he was separated from the Army prior to the expiration of his term of military service due to unsatisfactory performance, APFT Failure. The documents in the record, however, show that Applicant signed and acknowledged the receipt notice from his commander on May 15, 2018, with this specific information noted therein.

Applicant provided inconsistent statements at the hearing, and as such, I find that he is not considered a reliable witness. His failure to be candid and honest during the investigation process and hearing is an indication he intended to conceal derogatory information from security officials. I conclude that Applicant was not acting in good faith and attempted to conceal adverse information when he completed his SCA and security interview. None of the mitigating conditions apply. The personal conduct security concerns are not mitigated.

Guideline J: Criminal Conduct

The security concern related to the criminal conduct guideline is set out in AG ¶ 30:

Criminal activity creates doubt about a person's judgment, reliability, and trustworthiness. By its very nature, it calls into question a person's ability or willingness to comply with laws, rules, and regulations.

AG ¶ 31 lists conditions that could raise a security concern and may be disqualifying. Two potentially apply:

(a) a pattern of minor offenses, any one of which on its own would be unlikely to affect a national security eligibility decision, but which in combination cast doubt on the individual's judgment, reliability, or trustworthiness; and

(b) evidence (including, but not limited to, a credible allegation, an admission, and matters of official record) of criminal conduct, regardless of whether the individual was formally charged, prosecuted, or convicted.

AG ¶¶ 31(a) and 31(b) are established. The disqualifying conditions are discussed in the mitigating section, *infra*.

AG ¶ 32 lists the following conditions that could mitigate the security concerns:

(a) so much time has elapsed since the criminal behavior happened, or it happened under such unusual circumstances, that it is unlikely to recur and does not cast doubt on the individual's reliability, trustworthiness, or good judgment;

(c) no reliable evidence to support that the individual committed the offense; and

(d) there is evidence of successful rehabilitation; including, but not limited to, the passage of time without recurrence of criminal activity, restitution, compliance with the terms of parole or probation, job training or higher education, good employment record, or constructive community involvement.

Although Applicant's criminal conduct took place more than six years ago, it nonetheless remains a serious criminal offense. His 2018 arrest for domestic assault, 2nd degree felony, is his only arrest. There is, however, evidence of additional criminal conduct. There is significant, reliable evidence in the record to support that Applicant committed the criminal acts of strangling his wife and threatening to kill her on more than one occasion. I find that such behavior could recur in the future because Applicant provided no convincing evidence to show that he has sought treatment or taken other steps to end his abusive conduct. Applicant provided inconsistent statements at the hearing that conflicted with what he told police officers at the time of domestic assault. His deceptive demeanor and testimony weigh heavily against him as a trustworthy and reliable person. His criminal behavior, his lack of acceptance of responsibility, and my negative conclusions about his credibility and honesty all cast serious doubt on his reliability, trustworthiness, and good judgment. None of the mitigating conditions apply. Overall, Applicant failed to mitigate criminal conduct security concerns.

Guideline F: Financial Considerations

The security concern for financial considerations is set out in AG ¶ 18:

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. . . .

Conditions that may raise financial considerations security concerns are provided under AG ¶ 19. The following are potentially applicable in this case:

- (a) inability to satisfy debts; and
- (c) a history of not meeting financial obligations.

Based on Applicant's admissions and credit reports in the record, the Government established that Applicant has 11 delinquent accounts totaling approximately \$34,000. AG ¶¶ 19(a) and 19(c) apply.

Conditions that could mitigate the financial considerations security concerns are provided under AG ¶ 20. The following are potentially applicable in this case:

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

Applicant bears the burden of production and persuasion in mitigation. An applicant is not held to a standard of perfection in his or her debt-resolution efforts or required to be debt-free. "Rather, all that is required is that an applicant act responsibly given his circumstances and develop a reasonable plan for repayment, accompanied by 'concomitant conduct,' that is, actions which evidence a serious intent to effectuate the plan." ISCR Case No. 15-02903 at 3 (App. Bd. Mar. 9, 2017): See, e.g., ISCR Case No. 13-00987 at 3, n. 5 (App. Bd. Aug. 14, 2014).

Applicant attributed most of his financial delinquencies due to his identity being stolen and denied most of the accounts alleged in the SOR. He did not provide sufficient

evidence to show that his identity was stolen. He did not file a police report of identity theft. He did not provide sufficient correspondence with his creditors where he claimed the account was opened due to identity theft. Notwithstanding his claim of identity theft that impacted his finances, Applicant must demonstrate that he acted responsibly under the circumstances.

Applicant's PFS showed that he has sufficient income to pay his past due debts. Despite his positive monthly net remainder of about \$2,000, he has only settled one delinquent account for about \$400. He did not demonstrate a steady track record of payments or negotiated settlements. The majority of the debts remain unresolved.

None of the mitigating conditions fully apply. There is minimal evidence that his financial problems are being resolved or are under control because Applicant failed to provide sufficient documentary evidence to show that he has paid or is paying, settled, or successfully disputed his delinquent debts due to a legitimate reason. His documentation consists mostly of letters to credit bureaus disputing the majority of the delinquent accounts reflected on his credit report. While certain debts may no longer appear on a credit report, that in itself does not establish any meaningful independent evidence as the disposition of the debt, nor does it mitigate a history of financial difficulties. See ISCR Case No. 14-03612. Overall, I find that Applicant has not demonstrated that he acted responsibly to address his financial delinquencies. He did not provide adequate evidence to mitigate the financial considerations security concerns.

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 relevant 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.

Under AG ¶ 2(c), the ultimate determination of whether to grant eligibility for a security clearance must be an overall commonsense judgment based upon careful consideration of the adjudicative guidelines and the whole-person concept. I considered the potentially disqualifying and mitigating conditions in light of all the facts and circumstances surrounding this case. I have incorporated my comments under Guidelines J, E, and F and the factors in AG ¶ 2(d) in this whole-person analysis.

I did not consider Applicant a credible witness, and he willfully omitted adverse information when he completed his 2022 SCA and during his 2022 background interview, to include his failure to disclose on the September 2022 SCA and October 2023 interrogatory the mental health treatment he received in 2020 for a condition diagnosed as bipolar disorder and depression. He did not accept responsibility for his 2018 domestic assault and provided contradictory information during the hearing. I find more time is needed to demonstrate successful rehabilitation. He has failed to demonstrate that he has acted responsibly to address and resolve his financial delinquencies. His lack of action reflects poor judgment and unreliability. The record evidence leaves me with questions and doubts as to Applicant's eligibility and suitability for a security clearance. For all these reasons, I conclude Applicant failed to mitigate the security concerns arising under Guideline E, personal conduct, Guideline J, criminal conduct, and Guideline F, financial considerations. Eligibility for access to classified information is denied.

Formal Findings

Formal findings for or against Applicant on the allegations set forth in the SOR, as required by section E3.1.25 of Enclosure 3 of the Directive, are:

Paragraph 1, Guideline E:	AGAINST APPLICANT
Subparagraphs 1.a through 1.f:	Against Applicant
Paragraph 2, Guideline J:	AGAINST APPLICANT
Subparagraphs 2.a and 2.b:	Against Applicant
Paragraph 3, Guideline F:	AGAINST APPLICANT
Subparagraphs 3.a - 3.e, and 3.g - 3.k:	Against Applicant
Subparagraph 3.f:	For Applicant

Conclusion

In light of all of the circumstances presented by the record in this case, I conclude that it is not clearly consistent with the interests of national security for Applicant to have a security clearance. Eligibility for access to classified information is denied.

Pamela C. Benson
Administrative Judge