



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



In the matter of:)
)
) ISCR Case No. 22-00646
)
Applicant for Security Clearance)

Appearances

For Government: John Lynch, Esq., Department Counsel
For Applicant: *Pro se*

10/29/2024

Decision

GOLDSTEIN, Jennifer I., Administrative Judge:

This case involves security concerns raised under Guidelines F (Financial Considerations) and E (Personal Conduct). Eligibility for access to classified information is denied.

Statement of the Case

Applicant submitted a security clearance application (SCA) on March 20, 2020. On April 27, 2022, the Defense Counterintelligence and Security Agency Consolidated Adjudication Services (DCSA CAS) sent him a Statement of Reasons (SOR) alleging security concerns under Guideline F. The SOR was then withdrawn by the Government. (GE 18) On March 28, 2024, the DCSA CAS sent him a new SOR alleging security concerns under Guidelines F and E. The DCSA CAS acted under Executive Order (Exec. Or.) 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 (AG) promulgated in Security Executive Agent Directive 4, *National Security Adjudicative Guidelines* (December 10, 2016), which became effective on June 8, 2017. Applicant answered the SOR on May 1, 2024, and requested a hearing

before an administrative judge. (Answer.) The case was assigned to another administrative judge and scheduled for hearing on October 10, 2024. Due to unforeseen circumstances, the hearing was cancelled, and the case was then reassigned to me on October 1, 2024. The Defense Office of Hearings and Appeals (DOHA) issued a notice of hearing on October 9, 2024, scheduling the hearing for October 15, 2024. Applicant waived the 15-day notice requirement. The hearing was convened as scheduled. The Government offered Exhibits (GE) 1 through 17, one administrative notice document marked Hearing Exhibit (HE) I, and one exhibit index, marked HE II. GE 1 through GE 17 were admitted without objection. Applicant testified on his own behalf. He presented 16 documents, which I marked Applicant's Exhibits (AE) A through P. AE A through AE P were admitted without objection. The record was left open until October 18, 2024, for receipt of additional documentation from both Applicant and Department Counsel. On October 16, 2024, Department Counsel presented HE III and GE 18. On October 17, 2024, Applicant presented AE Q. GE 18 and AE Q were admitted without objection. DOHA received the transcript of the hearing (Tr.) on October 22, 2024.

Procedural Ruling

On October 15, 2024, the Government filed a Motion to Amend the SOR, citing Applicant's clarifications offered in his Answer. Applicant had no objections to the amendments offered. Allegations ¶ 1.b, 1.i, and 2.f are amended to read:

SOR ¶ 1.b: Between at least 2006 and 2023, you have borrowed money or engaged in significant financial transactions to fund gambling or pay gambling debts. For example, in September 2006 you issued a \$3,000 worthless check for casino credit slips or a credit line as set forth in subparagraph 1.i, below; in about 2013 or 2014 you wrote a worthless check totaling \$250 to a casino as set forth in subparagraph 1.i, below; in June 2017 you took two \$2,140 credit card advances for use at the [local] casino as set forth in subparagraph 1.e, below; and in September 2021 you took an early withdrawal of \$29,654 from your tax deferred annuity plan (403(b) retirement plan) to satisfy gambling debts and other debts that could have been paid with funds that you lost gambling.

SOR ¶ 1.i: You were indebted to [collection agent] for two accounts placed for collection by [creditor] for a worthless check you had written in a casino in about 2013 or 2014 in the approximate amount of \$250, and for a \$35 fee. You did not satisfy these delinquencies until May 2023.

SOR ¶ 2.f: In about 2013 or 2014, you issued a worthless check for \$250 at a casino, as set forth in subparagraph 1.i, above. You did not satisfy the resulting collection until May 2023.

Findings of Fact

In Applicant's answer to the SOR, he admitted the allegations in SOR ¶¶ 1.c-1.h and 1.j-1.l, 2.b, and 2.e. He denied the allegations in SOR ¶¶ 1.a, 1.b, 1.i, 1.m, 2.a, 2.c, 2.d, and 2.f. His admissions are incorporated in my findings of fact.

Applicant is a 62-year-old security officer employed by a federal contractor since March 2015. He immigrated to the United States in 1981. He has held a secret clearance since February 2016, except for the period from 2022 to 2023 when it was suspended by his security office due to the SOR that was withdrawn. He is a high school graduate. He married in 1984 and divorced in 1986. He is married to his second wife but has been separated from her since 2005. (GE 1) She has been hospitalized since December 2023. He has three adult children. (Tr. 75)

The SOR alleges ten delinquent debts and identifies significant financial losses attributable to gambling. It also alleges that Applicant has not been truthful with the Government about his finances and gambling losses. The debts are reflected in credit reports from May 2020; November 2021; August 2022; March 2023; February 2024; and September 2024. (GE 2 at 25-27, GE 9-GE 14, GE 17) The evidence concerning the debts, gambling losses, and falsification alleged in the SOR is summarized below.

Applicant first started gambling in casinos in the early 1990s. He filed Chapter 7 bankruptcy in 1994, though he claims gambling did not contribute to his financial problems at that time. (GE 14; Tr. 84-85) He continued to gamble there two-to-three times per year until approximately 2016, when a local casino opened about a ten-minute drive from Applicant's home. In 2017 Applicant gambled at his local casino at least monthly. He testified that he enjoys playing blackjack. (GE 4 at 99; Tr. 80, 114-115) His personal financial statement submitted with his May 23, 2023 answers to interrogatories indicated Applicant only had a monthly net remainder of \$302 after he met his monthly expenses. (GE 2 at 34).

The record from the local casino established that from 2016 through 2023, Applicant incurred approximately \$108,070 in gambling losses. (GE 4 at 18-33; GE 5 at 1-7) Applicant denies these allegations. He offered multiple explanations for the documented losses. He contended that these losses relate to a "players card" that he lost and inferred that someone else used his card. (GE 2 at 58) At other times, he claimed that he was just using the casino for check cashing, not gambling. He also stated that the casino incorrectly calculated his losses. (Tr. 45) His explanations lacked credibility. Records from the local casino reveal that in 2016 Applicant lost a total of \$10,115; in 2017 he lost a total of \$32,973; in 2018 he lost a total of \$10,399; in 2019 he lost a total of \$16,564; in 2020 he lost a total of \$17,489; in 2021 he lost a total of \$8,293; in 2022 he lost a total of \$1,583; and in 2023 he lost a total of \$10,653. (GE 2, GE 4 at 18-33; GE 5.)

Applicant appears to have funded his gambling through credit card advances, borrowing money, and writing bad checks. For instance, in June of 2017, he made charges totaling \$4,280 on a credit card from a credit union at his local casino. In January 2018 he made another \$107 charge on the same credit card at the same casino. (GE 4

at 54, 70; see also discussion of SOR ¶ 1.e) Many of his other debts, discussed below, involved transactions at casinos including several bad checks Applicant wrote to casinos. (See SOR ¶¶ 1.h, 1.i., and 1.l)

SOR ¶¶ 1.c, 1.e, and 1.k: Applicant incurred three charged-off debts in the amounts of \$12,904; \$5,463; and \$5,271. In his response to the first set of interrogatories, he documented that he took a \$29,654 withdrawal from his tax deferred annuity plan. (GE 2 at 68-69, Tr. 124-126) He satisfied these three debts in May 2022 with that early withdrawal. (GE 3 at 11, GE 8 at 2; GE 9; GE 13; GE 15; GE 17; AE H)

With respect to the debt identified in SOR ¶ 1.e, Applicant incurred the \$5,463 debt by taking cash advances on his credit card at the local casino. Those two charges comprised about 75% of all charges Applicant made to that credit card (\$4,280 of the \$5,463). (GE 2; GE 4; GE 5; GE 8; GE 9; GE 10; Tr. 116-117, 122)

SOR ¶¶ 1.d and 1.f: Applicant was delinquent in the amounts of \$10,187 and \$2,150 on charged-off credit cards. He satisfied these debts in July 2021 for “less than the full balance.” (GE 3 at 13, 18; GE 9; GE 11 at 4; GE 13; GE 15; GE 17)

SOR ¶ 1.g: Applicant is indebted on a collection account placed for collections in April 2020 for the amount of \$1,409. As of September 2024, this debt remained unresolved. (GE 2 at 26; GE 9; GE 13; GE 17)

SOR ¶ 1.h: Applicant was indebted on a returned check in the amount of \$1,220, which he believes was likely written to his local casino. This debt was charged off in September 2018. Appellant settled it in full in May 2023. (GE 2 at 26, 63; GE 9; AE D; AE H, Tr. 102-105)

SOR ¶¶ 1.i and 2.f: Applicant was indebted on a worthless check written to a casino in a neighboring state around 2013 or 2014, in the amount of \$250. He incurred an additional \$35 fee as a result of the check bouncing. Applicant claimed that he did not use the money obtained to gamble. This \$285 debt was settled in full on May 15, 2023. (GE 2 at 61; GE 9; AE H; Tr. 92-100)

SOR ¶ 1.j: Applicant is indebted to a creditor on a default judgment against him recorded in March 2023 in the amount of \$1,674 plus 6% interest. This debt was for a \$1,786 loan he received in May 2017. The loan carried with it a \$1,667 finance charge and had an interest rate of 29.8%. Applicant agreed to repay the loan through 59 payments of \$57.57 each, beginning June 15, 2017. However, it has been delinquent since November 2018. This debt remains unresolved. (GE 6; GE 13)

SOR ¶¶ 1.l and: Applicant was indebted on an August 2007 judgment against him in the amount of \$3,200 for a \$3,000 worthless check issued in September 2006 used for a line of credit at a casino. Applicant testified that he used \$500 of this money to gamble and the rest to travel to a foreign country. This judgment was satisfied in May 2023. (GE 2 at 29-31, 65; GE 7; AE H; AE P; Tr. 90-92)

In March 2020, Applicant completed an SCA. On the SOR, Applicant was alleged to have deliberately provided false information in section 26 when he answered “no” to the questions regarding: “Have you EVER experienced financial problems due to gambling?” and whether in the past seven years he had defaulted on any loan; had bills placed for collections; had a charged off account or credit card; had been over 120 days delinquent on any debt; or were currently 120 days delinquent on any debt. Applicant claimed in his answer to the SOR and at hearing that he had not engaged in the amount of gambling attributed to him, despite the evidence to the contrary from his local casino. He also explained that he made an “honest mistake” answering “no” to the rest of the financial questions because he interpreted the question to be asking for a “yes” only if all financial problems itemized in the list applied. He noted that English is not his first language. (Answer; GE 1; Tr. 167-170)

On May 12, 2020, Applicant met with an authorized investigator for the Department of Defense. The investigator questioned Applicant about his debts, his omissions from his SCA, and his gambling transactions. Applicant reviewed the record of that interview, corrected errors, and affirmed the statement on May 23, 2023. With respect to Applicant’s failure to list his debts in section 26 on the SCA, Applicant told the investigator he was surprised to know these accounts were not listed as he thought to the best of his knowledge that he listed these accounts and that they must have been deleted when he verified the form. (GE 2; Tr. 170-180) That explanation is inconsistent with the explanation he offered in his answer to the SOR and during the hearing.

During the interview, Applicant attributed his financial problems to supporting his 70-year-old brother during a two-month hospitalization. (GE 2 at 12-15; AE C) Records reflect that he spent approximately \$2,794 assisting his brother between 2018 and 2022. (GE 4 at 47-49; AE C; AE E; AE N) Records also reflect that approximately \$4,280 of the \$5,463 debt set forth in SOR ¶ 1.e was for cash advances at a casino, and there is no evidence that those funds were used to help his “terminally ill brother” as he claimed to the investigator when he spoke about this specific debt. (GE 2 at 14.) Additionally, Applicant reported to the investigator that he paid the debt identified in SOR ¶ 1.j, above, however it remains unresolved. (GE 2 at 13.)

In January 2024, Applicant completed another set of interrogatories. In his answers, he disclosed that he last gambled in October 2023. At the hearing he testified that he last gambled in December 2023. (GE 4 at 40; Tr. 186)

Applicant is highly valued by his employer’s Chief Security Officer, who wrote a letter of support and testified on Appellant’s behalf. He indicated that Applicant is “exceptional in all aspects of his job” and is “loyal, honest, compassionate, and he is a man of great integrity.” (AE J; AE L) The witness detailed numerous examples of how Applicant went to great lengths to do anything the company needed during COVID. In December 2023, Applicant received a promotion to shift supervisor. (AE B; AE J; Tr. 52-67)

A friend of Applicant also wrote a letter of support. He noted that Applicant is a hardworking and dedicated individual with a strong sense of integrity. He has lent Applicant money in the past and Applicant honored the repayment agreement. He noted that Applicant “enjoys gambling as a recreational activity [but] it never has impacted his professional integrity.” (AE J) Similarly, Applicant’s two daughters wrote letters of support for him, attesting to his integrity and work ethic. He also included a note of thanks he received for volunteer work. (AE L)

Policies

“[N]o 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 applicants 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 § 2.

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, an administrative judge applies these guidelines 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 and 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 that 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 made “in terms of the national interest and shall in no sense be a determination as to the loyalty of the applicant concerned.” Exec. Or. 10865 § 7. Thus, a decision to deny a security clearance is merely an indication the applicant has not met the strict guidelines the President and the Secretary of Defense 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* at 531. Substantial evidence is “such relevant evidence as a reasonable mind might accept as adequate to support a conclusion in light of all the contrary evidence in the same record.” *See ISCR*

Case No. 17-04166 at 3 (App. Bd. Mar. 21, 2019) It is “less than the weight of the evidence, and the possibility of drawing two inconsistent conclusions from the evidence does not prevent [a Judge’s] finding from being supported by substantial evidence.” *Consolo v. Federal Maritime Comm’n*, 383 U.S. 607, 620 (1966). “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. ISCR Case No. 15-01253 at 3 (App. Bd. Apr. 20, 2016).

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 burden of proving a mitigating condition, and the burden of disproving it never shifts to the Government. See ISCR Case No. 02-31154 at 5 (App. Bd. Sep. 22, 2005).

An applicant “has the ultimate burden of demonstrating that it is clearly consistent with the national interest to grant or continue his security clearance.” ISCR Case No. 01-20700 at 3 (App. Bd. Dec. 19, 2002). “[S]ecurity clearance determinations should err, if they must, on the side of denials.” *Egan* at 531.

Analysis

Guideline F: Financial Considerations

The security concern under this guideline 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. . . . An individual who is financially overextended is at greater risk of having to engage in illegal or otherwise questionable acts to generate funds. . . .

This concern is broader than the possibility that a person might knowingly compromise classified information to raise money. It encompasses concerns about a person’s self-control, judgment, and other qualities essential to protecting classified information. A person who is financially irresponsible may also be irresponsible, unconcerned, or negligent in handling and safeguarding classified information. See ISCR Case No. 11-05365 at 3 (App. Bd. May 1, 2012).

AG ¶ 19 notes disqualifying conditions that could raise security concerns. The disqualifying conditions that are relevant to Applicant’s case include:

(c) a history of not meeting financial obligations; and

(h) borrowing money or engaging in significant financial transactions to fund gambling or pay gambling debts.

The SOR alleges, and the credit reports substantiate, a series of delinquent debts that Applicant incurred since 2006. SOR ¶¶ 1.g and 1.j remain unresolved. While the documented eight delinquencies have been resolved, his history of indebtedness is linked to his borrowing money at casinos to fund gambling. His claims that his financial problems were related to his brother's medical care are not credible. AG ¶ 19(c) and AG ¶ 19(h) apply to Applicant's case.

AG ¶ 20 describes conditions that could mitigate security concerns. 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 in 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; and

(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.

AG ¶ 20(a) is not established. Applicant's delinquent debts were numerous, recent, and were not incurred under circumstances making recurrence unlikely. Applicant does not acknowledge that his gambling is problematic. Further, he did not appear to have a plan to repay his two remaining delinquent accounts or to stay out of debt in the future. His reliability, trustworthiness, and judgment remain questionable.

AG ¶ 20(b) is not fully established. Applicant appears to have assisted his brother with \$2,794 in support during an illness. However, his \$108,070 in gambling losses were not beyond his control.

AG ¶ 20(c) is not fully established. Applicant presented no evidence that he has participated in financial or gambling counseling. Further, there are no clear indications that his problem is being resolved or is under control. Applicant denies he has a gambling problem. Until he acknowledges he has a problem, he is unlikely to get meaningful help.

AG ¶ 20(d) is applicable to SOR ¶¶ 1.c, 1.d, 1.e, 1.f, 1.h, 1.i, 1.k, and 1.l, in as much as those debts have been resolved. However, the concerns about those debts expressed in SOR ¶¶ 1.a, 1.b, and 1.m are not mitigated by their resolution because there is no indication that Applicant's underlying problem with gambling has been resolved. Further there is no evidence that the debts in SOR ¶¶ 1.g and 1.j have been addressed in good faith.

Guideline E: Personal Conduct

AG ¶ 15 expresses the security concern for personal conduct:

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 describes conditions that could raise a security concern and may be disqualifying. The following disqualifying conditions apply:

(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;

(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; and

(e) personal conduct, or concealment of information about one's conduct, that creates a vulnerability to exploitation, manipulation, or duress by a foreign intelligence entity or other individual or group. Such conduct includes:

(1) engaging in activities which, if known, could affect the person's personal, professional, or community standing.

AG ¶¶ 16(a), 16(b), and 16(e)(1) apply. The evidence establishes that Applicant should have answered "yes" to "Have you EVER experienced financial problems due to gambling?" and, whether in the past seven years he had defaulted on any loan; had bills placed for collections; had a charged off account or credit card; had been over 120 days

delinquent on any debt; or were currently 120 days delinquent on any debt. His explanations as to why he indicated “no” were not credible. He deliberately concealed his financial debts over 120 days delinquent because they were related to his gambling. He continued to conceal his financial problems due to his gambling when he told the investigator for DCSA that his debt was attributable to supporting his brother during his illness and that a still-delinquent debt was satisfied. Applicant’s extensive conflicting explanations about his gambling create a vulnerability to exploitation, manipulation, or duress. His habit of obscuring the facts about his gambling indicate his problem gambling, if known, could affect his personal, professional, or community standing. Additionally, his judgment in issuing worthless checks to casinos in 2006 and 2013, continues to be of concern, given his lengthy history of gambling and financial delinquencies.

AG ¶ 17 provides conditions that could mitigate security concerns in this case:

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

(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;

(c) the offense is so minor, or so much time has passed, or the behavior is so infrequent, or it happened under such unique circumstances that it is unlikely to recur and does not cast doubt on the individual's reliability, trustworthiness, or good judgment;

(d) the individual has acknowledged the behavior and obtained counseling to change the behavior or taken other positive steps to alleviate the stressors, circumstances, or factors that contributed to untrustworthy, unreliable, or other inappropriate behavior, and such behavior is unlikely to recur;

(e) the individual has taken positive steps to reduce or eliminate vulnerability to exploitation, manipulation, or duress;

(f) the information was unsubstantiated or from a source of questionable reliability.

None of the above mitigating conditions are fully applicable. Applicant has failed to admit his lack of veracity on his SCA and with the investigator. Despite being confronted by substantiated records of his gambling losses, he continued to deny he had engaged in problem gambling. His gambling history and his lack of veracity with respect to

gambling continue to raise questions about his judgment. While he claimed that he has not gambled since December 2023, his claim holds little weight because of his history of deliberately concealing his financial problems and gambling. Further, in answering interrogatories in January 2024, he claimed that he last gambled in October 2023. Applicant's intentional deception surrounding his financial delinquencies and gambling practices is not minor or infrequent. He has not reduced his vulnerability to potential coercion.

Whole-Person Concept

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 guidelines and the whole-person concept. In applying the whole-person concept, an 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. An 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.

I have incorporated my comments under Guidelines F and E in my whole-person analysis and applied the adjudicative factors in AG ¶ 2(d). After weighing the disqualifying and mitigating conditions under Guidelines F and E, and evaluating all the evidence in the context of the whole person, I conclude Applicant has not mitigated the security concerns raised by his delinquent debts and personal conduct surrounding his gambling. Despite resolving eight of his ten debts, Applicant's gambling practices and false statements about those practices remain a concern.

Formal Findings

I make the following formal findings on the allegations in the SOR:

Paragraph 1, Guideline F (Financial Considerations): **AGAINST APPLICANT**

Subparagraphs 1.a-1.b, 1.g,1.j, and 1.m: **Against Applicant**

Subparagraph 1.c-1.f, 1.h-1.i, 1.k, and 1.l: **For Applicant**

Paragraph 2, Guideline E (Personal Conduct): AGAINST APPLICANT

Subparagraphs 2.a-2.f:

Against Applicant

Conclusion

I conclude that it is not clearly consistent with the national security interests of the United States to grant Applicant eligibility for access to classified information. Clearance is denied.

Jennifer I. Goldstein
Administrative Judge