



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



In the matter of:)
)
) ISCR Case No. 24-00645
)
Applicant for Security Clearance)

Appearances

For Government: Jenny Bayer, Esquire, Department Counsel
For Applicant: *Pro se*

12/13/2024

Decision

GALES, Robert Robinson, Administrative Judge:

Applicant failed to mitigate the security concerns regarding financial considerations. Eligibility for a security clearance is denied.

Statement of the Case

On January 18, 2020, on September 9, 2022, and again on May 25, 2023, Applicant applied for a security clearance and submitted Questionnaires for National Security Positions (SF 86). On March 3, 2020, and again between June 14, 2023, and July 7, 2023, she was interviewed by an investigator with the U.S. Office of Personnel Management (OPM). On January 18, 2024, the Defense Counterintelligence and Security Agency (DCSA) Consolidated Adjudications Services (CAS) issued her a set of interrogatories. She responded to those interrogatories on February 22, 2024. On April 11, 2024, the DSCA CAS, renamed as the DCSA Adjudications and Vetting Services (AVS), issued a Statement of Reasons (SOR) to her under Executive Order (Exec. Or.) 10865, *Safeguarding Classified Information within Industry* (February 20, 1960), as amended and modified; Department Of Defense (DOD) Directive 5220.6, *Defense Industrial Personnel Security Clearance Review Program* (January 2, 1992), as amended and modified (Directive); and Directive 4 of the Security Executive Agent (SEAD 4),

National Security Adjudicative Guidelines (December 10, 2016) (AG), effective June 8, 2017.

The SOR alleged security concerns under Guideline F (financial considerations) and detailed reasons why the DCSA adjudicators were unable to find that it is clearly consistent with the national interest to grant or continue a security clearance for Applicant. The SOR recommended referral to an administrative judge to determine whether a clearance should be granted, continued, denied, or revoked.

On May 24, 2024, Applicant responded to the SOR and elected to have her case decided on the written record in lieu of a hearing. A complete copy of the Government's file of relevant material (FORM), including proposed Government Exhibits (GE), was mailed to Applicant by the Defense Office of Hearings and Appeals (DOHA) on June 26, 2024, and she was afforded an opportunity after receipt of the FORM to file objections and submit material in refutation, extenuation, or mitigation. In addition to the FORM, Applicant was furnished a copy of the Directive as well as the Adjudicative Guidelines applicable to her case. Applicant received the FORM on July 12, 2024. Her response was due on August 11, 2024. As of August 29, 2024, no response had been received. The case was assigned to me on October 15, 2024, and there was still no response to the FORM.

Findings of Fact

In her response to the SOR, Applicant admitted, with brief comments, several of the SOR allegations. (SOR ¶¶ 1.a. through 1.d., and 1.f.) Applicant's admissions and comments are incorporated herein. After a complete and thorough review of the evidence in the record, and upon due consideration of same, I make the following findings of fact:

Background

Applicant is a 32-year-old contract employee of a military health clinic for which she has held several positions during different periods of time. She has been serving in an unspecified position with that employer since June 2023. She previously served as a program management analyst with the same employer (November 2018 – March 2022) but was terminated from that position upon receipt of a DCSA CAS decision to revoke her security clearance for financial considerations. She was also a financial technician at the same employer (June 2016 – November 2018). She was a financial technician with a military medical center (March 2008 – June 2016). She also served as a part-time seasonal tax preparer with a tax preparation service (January 2005 – June 2023), and as a program analyst at a military base in May 2022. A 2000 high school graduate, she received an associate degree in 2006. She has never served with the U.S. military. She held a security clearance from approximately 2008 until August 2021. She was married in 2007. She has no children. (Item 3; Item 4; Item 5; Item 6; Item 11)

Financial Considerations

General source information pertaining to the financial accounts discussed below can be found in the following exhibits: Item 7 (Answers to Interrogatories, dated February 22, 2024); Item 8 (Verato Credit Report, dated March 4, 2024); Item 9 (Combined Experian, TransUnion, and Equifax Credit Report, dated September 21, 2022); Item 10 (Combined Experian, TransUnion, and Equifax Credit Report, dated January 25, 2020); and Item 11 (Enhanced Subject Interviews, various dates).

In Section 26 of her January 2020 SF 86, Applicant was asked to report any specific financial delinquency issues, and in response to those questions, she said that she was currently in a credit repair program to restore her credit scores and improve financial budgeting. She reported several delinquent accounts, including student loans, an automobile loan, a credit-card account, and a cellular telephone account. She attributed her financial issues to several factors: living with her parents and helping them with their financial needs; making poor financial choices; and her spouse's initial reduced hours and eventual unemployment. (Item 6 at 38-43) She later acknowledged that she began the credit repair program in October 2019 but later realized the company was merely a scam, so she took control of her own financial future. (Item 12 at 2)

During her March 2020 OPM interview, she expanded on the cause of her financial difficulties: the reasons reported in her January 2020 SF 86, as well as failing to live on a written budget; making poor spending decisions; and purchasing items on credit when she did not have the funds necessary. (Item 12 at 2) In response to the interrogatories, Applicant revealed that she had been a caregiver to both parents (helping them out financially) from 2007 until their respective deaths as well as for her elderly sister: her mother died in 2011, her father died in 2020, and her sister died in August 2023. She added that she had always put her financial needs behind theirs which led to her delinquencies. After her sister's death, Applicant took in her sister's three young adult children trying to teach them how to be stable financially. (Item 7 at 8)

In her response to the SOR, Applicant stated:

Throughout my life I became the person people depended on within my family and my community. Although I knew I was going to pay for it later, I was raised to help out when I can and I'm the kind of person that will give my last dollar to someone if I knew they needed it more than me.... As a law-abiding citizen I am asking that you please do not judge me according to my financial situations. I am trying hard to work on this and I believe that within a year from today I will be in a much better financial situation.

(Item 2, at 4-5)

The SOR alleged eight delinquent accounts totaling approximately \$82,456, as set forth below:

SOR ¶ 1.a. refers to an automobile loan with an unpaid balance of \$24,591 that became delinquent when the vehicle was voluntarily repossessed in November 2018. The account was placed for collection and charged off. Applicant claimed that she made some partial payments before the repossession but could not afford to pay half of the remaining balance at one time. After the repossession, the creditor advised her that even a full payment would not enable her to have the vehicle returned to her. (Item 8 at 2; Item 9 at 2; Item 10 at 9; Item 7 at 1; Item 8 at 4) As of February 2024, Applicant reported that she had not contacted the creditor, not attempted to work out a repayment plan, and not made any payments. (Item 7 at 3) She claimed to be looking for a credit repair program to help her situation. (Item 2 at 2) She did not respond to the FORM with any updated status information. The account has not been resolved.

SOR ¶ 1.b. refers to an automobile loan with an unpaid balance of \$16,452 that became delinquent, was placed for collection, and charged off. (Item 8 at 2) Applicant claimed that she signed off for a family member with whom she is working to resolve the debt, but she did not offer any other specifics or documentation to support her claim. (Item 2 at 2) The record is otherwise silent regarding this delinquent account. Applicant made no claim that she had contacted the creditor, attempted to work out a repayment plan, or made any payments. She did not respond to the FORM with any updated status information. The account has not been resolved.

SOR ¶ 1.c. refers to a residential lease account with an unpaid balance of \$8,197 that became delinquent and was placed for collection. (Item 8 at 2; Item 9 at 5) Applicant claimed that the account was a joint account with her sister and her sister's husband (with Applicant listed as a tenant) and that she has attempted to pay half of the delinquent balance, but since her sister is unable to furnish the remaining half, the creditor will not accept less than the full amount. (Item 2 at 2; Item 11 at 5-6) Applicant reported that since June 2023, she had not contacted the creditor, not attempted to work out a repayment plan, and not made any payments. (Item 7 at 4) She did not respond to the FORM with any updated status information. The account has not been resolved.

SOR ¶ 1.d. refers to an unspecified type of account with an unpaid balance of \$681 that became delinquent, was placed for collection, and charged off. (Item 8 at 3) Applicant apparently contacted the creditor after receipt of the SOR, and between May 2024 and August 2024, she made six payments to the creditor totaling \$681.15. (Item 2 at 2, 13) The account has been resolved.

SOR ¶ 1.e. refers to an unspecified type of credit union account with an unpaid balance of \$569 that became delinquent and was placed for collection. (Item 8 at 3) Applicant denied responsibility for the account, has no recollection of it, and it is no longer listed on her credit report. (Item 2 at 2) She made no claim that she had contacted the creditor, attempted to work out a repayment plan, or made any payments. She did not respond to the FORM with any updated status information. The account has not been resolved.

SOR ¶ 1.f. refers to a student loan account with an unpaid balance of \$29,977 that was placed of collection. (Item 10 at 8-9) Applicant claimed to be working on the account

to see if payment arrangements would be available, but she did not submit any documentation to support her claim. (Item 2 at 2) She made no other claim that she had contacted the creditor, attempted to work out a repayment plan, or made any payments. She did not respond to the FORM with any updated status information. The account has not been resolved.

SOR ¶ 1.g. refers to a cellular telephone account with an unpaid balance of \$1,486 that became delinquent and was placed for collection. (Item 10 at 9) She denied having any recollection of the account and claimed that it was not in her credit report. (Item 2 at 2) She later contended that at the time she switched from one cellular carrier to another, she did not have any unpaid balance. She was unable to make any payments until 2022 when she made one bulk payment once she had the money to do so. (Item 11 at 4) She did not submit any documentation to verify that her payment had been made or that the account had been resolved. She did not respond to the FORM with any updated status information or documentation. The account has not been resolved.

SOR ¶ 1.h. refers to a credit-card account with an unpaid balance of \$503 that became delinquent and sold to a debt purchaser. (Item 9 at 7; Item 10 at 10) Applicant claimed that she was merely an authorized user on the account, but two credit reports report her as the account holder for the account. She claims to have spoken to the individual whose name is on the account to remove Applicant's name from it. (Item 2 at 2; Item 10 at 10; Item 9 at 7) She made no claim that she had contacted the creditor, attempted to work out a repayment plan, or made any payments. She did not respond to the FORM with any updated status information. The account has not been resolved.

On February 17, 2024, Applicant attached a Personal Financial Statement to her answers to interrogatories in which she reported approximately \$6,150 in current family net income; approximately \$4,758 in monthly household expenses, with zero debts, leaving approximately \$1,392 as a monthly remainder available for savings or spending. She did not report any bank savings or other assets. (Item 7 at 10)

There is no evidence of financial counseling or maintaining a budget. Of note, but not alleged in the SOR, is a relatively new unspecified type of account that was opened in January 2024, but since no payments had been made through March 2024, there is an unpaid balance of \$2,010 that was placed for collection in April 2024. (Item 2 at 11-12)

Character References

Both the Comptroller and the Deputy Comptroller of Applicant's employer have known her for several years. Applicant is considered by them to be a highly professional, trustworthy individual. She deals with sensitive information and has never violated the sensitivity of such information by revealing to anyone the details of any patient or case. They both trust and support her. (Item 2 at 18-19)

A financial management analyst with Applicant's employer has known Applicant for four years. Applicant is considered a highly professional, responsible, and respected individual. She displays integrity with her work and management ethic within the

department. Applicant's insight and knowledge on mission crucial matters or urgent taskers have always been trusted. (Item 2 at 20)

Applicant's sister-in-law, in management control of the military exchange, has known Applicant for over three decades. Applicant demonstrates strong characteristics of honesty, integrity, and genuine care on a personal level, at her place of employment, and as a pillar in the community and church. They worked together side by side for more than 15 years with the same tax preparation company, and Applicant has always protected sensitive and private information. She trusts Applicant and supports her. (Item 2 at 21)

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. The President has authorized the Secretary of Defense or his designee to grant an applicant 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 and modified.)

When evaluating an applicant's suitability for a security clearance, the administrative judge must consider the guidelines in SEAD 4. In addition to brief introductory explanations for each guideline, the guidelines list potentially disqualifying conditions and mitigating conditions, which are used in evaluating an applicant's eligibility for access to classified information.

An administrative judge need not view the guidelines as inflexible, ironclad rules of law. Instead, acknowledging the complexities of human behavior, these guidelines are applied in conjunction with the factors listed in the adjudicative process. The administrative judge's overarching adjudicative goal is a fair, impartial, and commonsense decision. 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 meaningful decision.

In the decision-making process, facts must be established by "substantial evidence." "Substantial evidence [is] such relevant evidence as a reasonable mind might accept as adequate to support a conclusion in light of all contrary evidence in the record." (ISCR Case No. 04-11463 at 2 (App. Bd. Aug. 4, 2006) (citing Directive ¶ E3.1.32.1)) "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 Government initially has the burden of producing evidence to establish a potentially disqualifying condition under the Directive and has the burden of establishing controverted facts alleged in the SOR. Once the Government has produced substantial evidence of a disqualifying condition, under Directive ¶ E3.1.15, the applicant has the burden of persuasion to present evidence in refutation, explanation, extenuation, or mitigation, sufficient to overcome the doubts raised by the Government's case. The burden of disproving a mitigating condition never shifts to the Government. (See ISCR Case No. 02-31154 at 5 (App. Bd. Sept. 22, 2005))

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 as well. It is because of this special relationship that the Government must be able to repose a high degree of trust and confidence in those 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 as to potential, rather than actual, risk of compromise of classified information. Furthermore, "security clearance determinations should err, if they must, on the side of denials." (*Egan*, at 531)

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 I have based this decision, in whole or in part, on any express or implied determination as to Applicant's allegiance, loyalty, or patriotism. It is merely an indication the Applicant has or has not met the strict guidelines the President and the Secretary of Defense have established for issuing a clearance.

In reaching this decision, I have drawn only those conclusions that are reasonable, logical, and based on the evidence contained in the record. Likewise, I have avoided drawing inferences grounded on mere speculation or conjecture.

Analysis

Guideline F, Financial Considerations

The security concern relating to the guideline 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. Affluence that cannot be explained by known sources of income is also a security concern insofar as it may result from criminal activity, including espionage.

The guideline notes several conditions that could raise security concerns under AG ¶ 19:

- (a) inability to satisfy debts;
- (b) unwillingness to satisfy debts regardless of the ability to do so; and
- (c) a history of not meeting financial obligations.

The SOR alleged eight delinquent accounts totaling approximately \$82,456. Applicant has a lengthy history of not meeting financial obligations commencing well before 2018. Her declared willingness to satisfy those debts is unambiguous, but her failure to take verifiable corrective actions or to submit documentation to substantiate more than a few payments greatly diminishes that willingness, especially when she reports a modest monthly remainder of approximately \$1,392 that is available to enable her to do so. Moreover, she claims that she is the kind of person that will give her last dollar to someone if she knew they needed; however, she seems unwilling to redirect her available funds to address her own debts. AG ¶¶ 19(a), 19(b), and 19(c) have been established.

The guideline also includes examples of conditions that could mitigate security concerns arising from financial difficulties under AG ¶ 20:

- (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;
- (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

AG ¶ 20(b) minimally applies. Applicant's initial financial difficulties were essentially caused by several factors: living with her parents and helping them with their financial needs; making poor financial choices; her spouse's initial reduced hours and eventual unemployment; failing to live on a written budget; making poor spending decisions; and purchasing items on credit when she did not have the funds available to make the payments under payment agreements. Some of her expenditures were not necessarily beyond her control. While caring for ill and needy family members is an understandable temporary redirection of available funds, simply helping others financially when the actions are destroying one's own finances and violating her promises in contracts to pay creditors, is not acting responsibly, especially when she knew she might not be able to pay her creditors later.

Modest income requires a person to carefully limit expenses, but Applicant seemingly simply kept spending and ceased making payments to her creditors. She denied having any recollection of several of the accounts, contended that she was not the principal on an account but merely an authorized user – a contention that was proven incorrect, and ignored other accounts because they had fallen off her credit report. Of the eight delinquent accounts alleged in the SOR, Applicant has managed to resolve only one – after receipt of the SOR – with relatively modest payments totaling \$681.15. With respect to the remaining delinquent accounts, as noted above, she made no claim that she had contacted the creditors, attempted to work out repayment plans, or made any payments. She did not respond to the FORM with any updated status information, despite the arguments presented by the government that focused on her inaction and other financial failures. Applicant – a person apparently with knowledge about financial issues – did not attempt to resolve her longstanding delinquent debts, including ones with modest unpaid balances of \$503 and \$569, but she also has incurred a much newer but allegedly delinquent debt of \$2,010.

A debt that became delinquent several years ago is still considered recent because “an applicant's ongoing, unpaid debts evidence a continuing course of conduct and, therefore, can be viewed as recent for purposes of the Guideline F mitigating conditions.” (ISCR Case No. 15-06532 at 3 (App. Bd. Feb. 16, 2017) (citing ISCR Case No. 15-01690 at 2 (App. Bd. Sept. 13, 2016))). Based on the evidence, with minor exceptions, Applicant failed to maintain contact with her creditors, and failed to make any payments to her creditors although she seemingly has sufficient funds to start doing so even in modest amounts. The Appeal Board has previously commented on such a situation:

Even if Applicant's financial difficulties initially arose, in whole or in part, due to circumstances outside his [or her] control, the Judge could still consider whether Applicant has since acted in a reasonable manner when dealing with those financial difficulties. ISCR Case No. 05-11366 at 4 n.9 (App. Bd. Jan. 12, 2007) (citing ISCR Case No. 99-0462 at 4 (App. Bd. May 25, 2000));

ISCR Case No. 99-0012 at 4 (App. Bd. Dec. 1, 1999); ISCR Case No. 03-13096 at 4 (App. Bd. Nov. 29, 2005)). A component is whether he or she maintained contact with creditors and attempted to negotiate partial payments to keep debts current.

An applicant who begins to resolve his or her financial problems only after being placed on notice that his or her security clearance is in jeopardy may be lacking in the judgment and self-discipline to follow rules and regulations over time or when there is no immediate threat to his or her own interests. (See, e.g., ISCR Case No. 17-01213 at 5 (App. Bd. Jun. 29, 2018); ISCR Case No. 17-00569 at 3-4 (App. Bd. Sept. 18, 2018) In this instance, although Applicant previously lost her security clearance in August 2021 for financial considerations, she simply continued to fail to address her delinquent accounts, until she resolved one modest account after receipt of the SOR.

Clearance decisions are aimed at evaluating an applicant's judgment, reliability, and trustworthiness. They are not a debt-collection procedure. The guidelines do not require an applicant to establish resolution of every debt or issue alleged in the SOR. An applicant needs only to establish a plan to resolve financial problems and take significant actions to implement the plan. There is no requirement that an applicant immediately resolve issues or make payments on all delinquent debts simultaneously, nor is there a requirement that the debts or issues alleged in an SOR be resolved first. Rather, a reasonable plan and concomitant conduct may provide for the payment of such debts, or resolution of such issues, one at a time. Mere promises to pay debts in the future, without further confirmed action, are insufficient. In this instance, Applicant clearly stated that she intended to pay off her delinquent debts, but to date, despite being given the opportunities to start doing so, she did not, even with those modest delinquent debts of \$503 and \$569.

The Appeal Board has previously explained what constitutes a good-faith effort to repay overdue creditors or otherwise resolve debts:

In order to qualify for application of [the "good-faith" mitigating condition], an applicant must present evidence showing either a good-faith effort to repay overdue creditors or some other good-faith action aimed at resolving the applicant's debts. The Directive does not define the term "good-faith." However, the Board has indicated that the concept of good-faith "requires a showing that a person acts in a way that shows reasonableness, prudence, honesty, and adherence to duty or obligation."

(internal citation and footnote omitted) ISCR Case No. 02-30304 at 3 (App. Bd. Apr. 20, 2004) (quoting ISCR Case No. 99-9020 at 5-6 (App. Bd. Jun. 4, 2001)).

There is no verifiable evidence of financial counseling. The absence of evidence that Applicant has maintained contact with her creditors, or that she has entered into repayment plans, other than the one modest delinquent account that was resolved after receipt of the SOR, reflects negative actions by her. Applicant's inaction for such a lengthy period, under the circumstances, does cast doubt on her current reliability,

trustworthiness, and good judgment. See ISCR Case No. 09-08533 at 3-4 (App. Bd. Oct. 6, 2010).

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 the circumstances. The administrative judge should consider the nine adjudicative process factors listed at SEAD 4, App. A, ¶ 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 SEAD 4, App. A, ¶ 2(c), the ultimate determination of whether to grant a security clearance must be an overall commonsense judgment based upon careful consideration of the guidelines and the whole-person concept. Moreover, I have evaluated the various aspects of this case in light of the totality of the record evidence and have not merely performed a piecemeal analysis. See *U.S. v. Bottone*, 365 F.2d 389, 392 (2d Cir. 1966); see also ISCR Case No. 03-22861 at 2-3 (App. Bd. Jun. 2, 2006).

Unalleged conduct can be considered for certain purposes, as discussed by the DOHA Appeal Board. (Conduct not alleged in an SOR may be considered: (a) to assess an applicant's credibility; (b) to evaluate an applicant's evidence of extenuation, mitigation, or changed circumstances; (c) to consider whether an applicant has demonstrated successful rehabilitation; (d) to decide whether a particular provision of the Adjudicative Guidelines is applicable; or (e) to provide evidence for whole-person analysis under Directive § 6.3). See ISCR Case No. 03-20327 at 4 (App. Bd. Oct. 26, 2006); (citing ISCR Case No. 02-07218 at 3 (App. Bd. Mar. 15, 2004); ISCR Case No. 00-0633 at 3 (App. Bd. Oct. 24, 2003)). See also ISCR Case No. 12-09719 at 3 (App. Bd. Apr. 6, 2016) (citing ISCR Case No. 14-00151 at 3, n. 1 (App. Bd. Sept. 12, 2014); ISCR Case No. 03-20327 at 4 (App. Bd. Oct. 26, 2006)). Applicant's unalleged delinquent account and claimed lack of knowledge regarding some of the alleged accounts will be considered only for the five purposes listed above.

I have incorporated my comments under Guideline F in my whole-person analysis, and I have considered the factors in SEAD 4, App. A. There is some evidence in favor of mitigating Applicant's financial concerns. Applicant is a 32-year-old contract employee of a military health clinic for which she has held several positions during different periods of time. She has been serving in an unspecified position with that employer since June 2023. She previously served as a program management analyst with the same employer until March 2022, and was a financial technician at the same employer from June 2016 until

November 2018. She was a financial technician with a military medical center from March 2008 until June 2016. She also served as a part-time seasonal tax preparer with a tax preparation service from January 2005 until June 2023, and as a program analyst at a military base in May 2022. A 2000 high school graduate, she received an associate degree in 2006. With limited available financial resources, she took on family financial responsibilities for her parents and sister until they passed away.

The disqualifying evidence under the whole-person concept is simply much more substantial and compelling. Applicant was disengaged from her creditors and her delinquent accounts. She was previously a program management analyst with her employer but was terminated from that position upon receipt of a DCSA CAS decision to revoke her security clearance for financial considerations in August 2021. The same financial conditions still exist, but they have become more exacerbated with the addition of new alleged delinquencies as well as a new unalleged delinquent account. She did not respond to the FORM with any updated status information, despite the arguments presented by the government that focused on her inaction and other financial failures.

In ISCR Case No. 07-06482 at 2-3 (App. Bd. May 21, 2008), the Appeal Board addressed a key element in the whole-person analysis in financial cases stating:

In evaluating Guideline F cases, the Board has previously noted that the concept of “meaningful track record” necessarily includes evidence of actual debt reduction through payment of debts. However, an applicant is not required, as a matter of law, to establish that he [or she] has paid off each and every debt listed in the SOR. All that is required is that an applicant demonstrate that he [or she] has “. . . established a plan to resolve his [or her] financial problems and taken significant actions to implement that plan.” The Judge can reasonably consider the entirety of an applicant’s financial situation and his [or her] actions in evaluating the extent to which that applicant’s plan for the reduction of his outstanding indebtedness is credible and realistic. See Directive ¶ E2.2(a) (“Available, reliable information about the person, past and present, favorable and unfavorable, should be considered in reaching a determination.”)

Applicant’s track record of efforts to resolve her debts is lacking. Although she has declared her intention to resolve her debts, to date, she has taken only one small effort with one delinquent account to do so even though she has a modest monthly remainder available for savings or making payments to her creditors.

After weighing the disqualifying and mitigating conditions under Guideline F and evaluating all the evidence in the context of the whole person, I conclude that Applicant offered little, if any, mitigating evidence, which could be construed as more than sufficient to overcome the disqualifying conditions established under Guideline F. See SEAD 4, App. A, ¶¶ 2(d)(1) through AG 2(d)(9).

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 F:	AGAINST APPLICANT
Subparagraphs 1.a. through 1.c.:	Against Applicant
Subparagraph 1.d.:	For Applicant
Subparagraphs 1.e. through 1.h.:	Against Applicant

Conclusion

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

ROBERT ROBINSON GALES
Administrative Judge