



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



In the matter of: )  
)  
) ISCR Case No. 24-01716  
)  
)  
Applicant for Security Clearance )

**Appearances**

For Government: George A. Hawkins, Esq., Department Counsel  
For Applicant: *Pro se*

02/20/2025

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**Decision**

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LOKEY ANDERSON, Darlene D., Administrative Judge:

**Statement of Case**

On November 8, 2023, Applicant submitted a security clearance application (e-QIP). (Item 3.) On September 26, 2024, the Defense Counterintelligence and Security Agency Consolidated Adjudication Services (DCSA CAS) issued Applicant a Statement of Reasons (SOR), detailing security concerns under Guideline F, Financial Considerations. The action was taken under Executive Order 10865 (EO), *Safeguarding Classified Information within Industry* (February 20, 1960), as amended; DoD Directive 5220.6, *Defense Industrial Personnel Security Clearance Review Program* (January 2, 1992), as amended (Directive); and the *Adjudicative Guidelines for Determining Eligibility for Access to Classified Information*, effective within the DoD after June 8, 2017.

Applicant responded to the SOR (Answer), which was received on or about September 24, 2024. (Item 1.) He requested that his case be decided by an administrative judge on the written record. Department Counsel submitted the Government's written case on November 1, 2024. A complete copy of the File of

Relevant Material (FORM), containing eight Items was received by the Applicant on November 17, 2024. He was afforded an opportunity to file objections and submit material in refutation, extenuation, or mitigation within 30 days of receipt of the FORM. Applicant submitted no response to the FORM. DOHA assigned the case to me on February 4, 2025. Items 1 through 8 will be hereinafter referred to as Government Exhibits 1 through 8.

### **Findings of Fact**

Applicant is 47 years old and married with no children. He has a high school diploma, some college, and military training. He is currently employed as a driver with Door Dash but is being sponsored for a security clearance by a defense contractor. He is seeking to obtain a security clearance in connection with possible future employment.

### **Guideline F - Financial Considerations**

The Government alleged that Applicant is ineligible for a clearance because he made financial decisions that indicate poor self-control, lack of judgment, or unwillingness to abide by rules and regulations, all of which raise questions about his reliability, trustworthiness and ability to protect classified information.

The SOR alleges that the Applicant is indebted to fifteen separate creditors, including two judgments, totaling approximately \$23,856; and for delinquent consumer accounts that have been placed for collection. Applicant admits the allegations set forth in SOR 1.h., 1.i., 1.j., 1.k., 1.m., and 1.n. Applicant denies the debts alleged in SOR 1.a., 1.b., 1.c., 1.d., 1.e., 1.f., 1.g., 1.l., and 1.o. Credit reports of the Applicant dated November 28, 2023; and August 5, 2024, confirm the indebtedness listed in the SOR. (Government Exhibits 4 and 5.)

Applicant served on active duty in the U.S. Navy from January 1997 to June 2017, when he was honorably discharge.

Applicant completed a security clearance questionnaire dated November 8, 2023. In response to a series of questions in Section 23 of the questionnaire concerning his financial history, Applicant denied having any delinquent debts. (Government Exhibit 3.) During his personal subject interview, Applicant was confronted by the investigator with the delinquent debts set forth below. Applicant generally denied knowledge about the debts and promised to look into them. Only the debts listed in 1.e., 1.g., and 1.h., he stated were resolved. (Government Exhibit 8.)

Applicant is responsible for presenting evidence to rebut, explain, extenuate, or mitigate admitted or proven facts. Applicant failed to respond to the FORM and therefore the record is void of any evidence in mitigation. There is nothing to explain why Applicant became excessively indebted in the first place, or what if anything he has done to resolve his debts.

The following delinquent debts set forth in the SOR are of security concern:

1.a. A delinquent debt is owed to a creditor for a judgment filed against him in 2018, in the approximate amount of \$1,459.48. Applicant denied the debt and contends that it was covid relieved. He offered nothing further in explanation or documentation. During his subject interview, he denied knowledge of the debt and promised to look into it. There is no evidence to show that Applicant has done anything to resolve the debt. The debt remains owing. (Government Exhibit 6.)

1.b. A delinquent debt is owed to a creditor for a judgment filed against him in 2011, in the approximate amount of \$797. Applicant denied the debt and contends that it was covid relieved. He offered nothing further in explanation or documentation. During his subject interview, he denied knowledge of the debt and promised to look into it. There is no evidence to show that Applicant has done anything to resolve the debt. The debt remains owing. (Government Exhibit 7.)

1.c. A delinquent debt is owed to a creditor for an account placed for collection in the approximate amount of \$4,983. Applicant denied the debt. There is no evidence to show that he has done anything to resolve the debt. The debt remains owing. (Government Exhibits 4 and 5.)

1.d. A delinquent debt is owed to a creditor for an account that was placed for collection in the approximate amount of \$2,883. Applicant denied the debt. There is no evidence to show that he has done anything to resolve the debt. The debt remains owing. (Government Exhibits 4 and 5.)

1.e. A delinquent debt is owed to a creditor for an account that was placed for collection in the approximate amount of \$2,771. Applicant denied the debt. There is no evidence to show that he has done anything to resolve the debt. The debt remains owing. (Government Exhibits 4 and 5.)

1.f. A delinquent debt is owed to a creditor for an account placed for collection in the approximate amount of \$2,199. Applicant denied the debt. There is no evidence to show that he has done anything to resolve the debt. The debt remains owing. (Government Exhibits 4 and 5.)

1.g. A delinquent debt is owed to a creditor for an account placed for collection in the approximate amount of \$2,197. Applicant denied the debt and contends that it was covid relieved. He offered nothing further in explanation or documentation. There is no evidence to show that he has done anything to resolve the debt. The debt remains owing. (Government Exhibits 4 and 5.)

1.h. A delinquent debt is owed to a creditor for an account placed for collection in the approximate amount of \$1,599. Applicant admits the debt. There is no evidence to show that he has done anything to resolve the debt. The debt remains owing. (Government Exhibits 4 and 5.)

1.i. A delinquent debt is owed to a creditor for an account placed for collection in the approximate amount of \$887. Applicant admits the debt. There is no evidence to show that he has done anything to resolve the debt. The debt remains owing. (Government Exhibits 4 and 5.)

1.j. A delinquent debt is owed to a creditor for an account placed for collection in the approximate amount of \$748. Applicant admits the debt. There is no evidence to show that he has done anything to resolve the debt. The debt remains owing. (Government Exhibits 4 and 5.)

1.k. A delinquent debt is owed to a creditor for an account placed for collection in the approximate amount of \$648. Applicant admits the debt. There is no evidence to show that he has done anything to resolve the debt. The debt remains owing. (Government Exhibits 4 and 5.)

1.l. A delinquent debt is owed to a creditor for an account that was placed for collection in the approximate amount of \$509. Applicant denies the debt. There is no evidence to show that he has done anything to resolve the debt. The debt remains owing. (Government Exhibit 4.)

1.m. A delinquent debt is owed to a creditor for an account placed for collection in the approximate amount of \$434. Applicant admits the debt. There is no evidence to show that he has done anything to resolve the debt. The debt remains owing. (Government Exhibit 5.)

1.n. A delinquent debt is owed to a creditor for an account placed for collection in the approximate amount of \$299. Applicant admits the debt. There is no evidence to show that he has done anything to resolve the debt. The debt remains owing. (Government Exhibit 5.)

1.o. A delinquent debt is owed to a creditor for an account that was placed for collection in the approximate amount of \$1,443. Applicant denies the debt. There is no evidence to show that he has done anything to resolve the debt. The debt remains owing. (Government Exhibit 4.)

## **Policies**

When evaluating an applicant's suitability for a security clearance, the administrative judge must consider the adjudicative guidelines (AG). 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 AG ¶ 2 describing 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 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." 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.

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 clearance 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 as to 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 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. 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. Three are potentially applicable in this case:

- (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.

Applicant has incurred delinquent debts totaling approximately \$23,857. These accounts have been placed for collection. The evidence is sufficient to raise the above disqualifying conditions.

The following mitigating conditions under the Financial Considerations guideline are potentially applicable 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, or a death, divorce, or separation), and the individual acted responsibly under the circumstances; and
- (d) the individual initiated and is adhering to a good-faith effort to repay overdue creditors or otherwise resolve debts.

Applicant is delinquently indebted to each of the creditors set forth in the SOR. He has failed to provide any evidence to refute, explain, extenuate, or mitigate the security concerns arising from his delinquent debts. He gives no reasonable excuse for his excessive indebtedness, or why they remain delinquent. Applicant's inaction for so long reflects a pattern of unreliability, untrustworthiness, and poor judgment. Accordingly, Applicant does not meet the requirements to access classified information.

## **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 guidelines and the whole-person concept.

I considered the potentially disqualifying and mitigating conditions in light of all relevant facts and circumstances surrounding this case. I conclude Applicant has not mitigated the Financial Considerations security concerns.

## **Formal Findings**

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

Paragraph 1, Guideline F:	AGAINST APPLICANT
Subparagraphs 1.a. through 1.o.	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 or continue Applicant's national security eligibility for a security clearance. Eligibility for access to classified information is denied.

Darlene Lokey Anderson  
Administrative Judge