



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



In the matter of:)	
)	
)	ISCR Case No. 25-00683
)	
Applicant for Security Clearance)	

Appearances

For Government: Tovah A. Minster, Esq., Department Counsel
For Applicant: *Pro se*

03/04/2026

Decision

DRISKILL, A. M., Administrative Judge:

Applicant did not mitigate the security concerns under Guideline F (Financial Considerations). The security concern under Guideline E (Personal Conduct) was mitigated. Eligibility for access to classified information is denied.

Statement of the Case

On July 23, 2025, the Department of Defense (DOD) issued a Statement of Reasons (SOR) to Applicant detailing security concerns under Guidelines F and E. Applicant responded to the SOR on August 18, 2025 (Answer) and requested a decision on the written record in lieu of a hearing. The Government’s written case was submitted on November 25, 2025. A complete copy of the file of relevant material (FORM) was provided to Applicant, who was afforded an opportunity to file objections and submit material to refute, extenuate, or mitigate the security concerns. Applicant received the FORM on December 11, 2025, and she did not provide a response. The case was assigned to me on February 19, 2026. Items 1 and 2 are the SOR and Applicant’s Answer, which are the pleadings in the case. Items 3-6 are admitted in evidence without objection.

Findings of Fact

The SOR alleges Applicant has 14 delinquent debts totaling approximately \$48,019 (SOR ¶¶ 1.a through 1.n) and that she falsified material facts on her December 2024 security clearance application (SCA) by not reporting her delinquent debts (SOR ¶ 2.a). She admitted all the financial allegations, however, in her Answer, she did not provide a response to SOR ¶ 2.a. I will consider the lack of a response to this allegation as a denial of the Guideline E allegation.

Applicant is 42 years old. She earned a bachelor's degree in 2007 and did not serve in the military. She was married from 2005 to 2013 and has one adult and one minor child. She has worked for her current employer since October 2023 and did not report any prior periods of unemployment. She has never had a security clearance. (Items 3, 4)

On her December 2024 SCA, Applicant answered "No" to a set of questions under Section 26 – Financial Record, which asked a series of questions regarding delinquencies involving routine accounts. This section included questions such as whether, in the last seven years, she had any bills or debts turned over to a collection agency or any accounts or credit cards suspended, charged off, or cancelled for failing to pay as agreed, or if she was evicted for non-payment. (Item 3)

In her January 2025 subject interview with a government investigator, when asked about her finances, she reported three medical accounts, a repossession, three student loan accounts, a cellular phone account, and a credit card account. She stated she did not report these accounts on her SCA because she forgot about them or did not think they were important. She stated she could not recall if she had any other delinquent accounts. She was also confronted with an eviction and seven collection accounts. She told the investigator she is in the process of cleaning up her credit and that she will be looking at her credit report "soon" and seeing what she needs to pay. (Item 4)

The status of the Guideline F allegations is as follows:

SOR ¶ 1.a is the repossession Applicant volunteered in her January 2025 interview. It was placed for collection in the amount of \$14,478. She stated the vehicle was repossessed in 2017 after she lost her income. She said she reached a settlement amount and now owes \$700, which she intended to pay by the end of February 2025. She did not disclose this account on her SCA because she did not think it was important. She did not provide any documentation supporting her claims. This debt is unresolved. (Items 4, 5)

SOR ¶ 1.b is a student loan that has been charged off in the amount of \$4,445. Applicant could not provide any information about this account. This account is listed as alleged on her December 2024 CBR. This account is unresolved. (Items 4, 5)

SOR ¶ 1.c is an account placed for collection in the amount of \$3,040. Applicant could not provide any information about SOR ¶ 1.c, though she believes it may be the

same as the account in SOR ¶ 1.a. She said she planned to pay it off by the end of the year. She did not provide any documentation supporting her claims. This account is unresolved. (Items 4, 5)

Applicant stated that the accounts in SOR ¶¶ 1.d and 1.h were store credit cards. SOR ¶ 1.d was placed for collection in the amount of \$2,399 and SOR ¶ 1.h is a charged off debt. She claimed she did not know they had gone into collection, but she planned to take care of them by the end of the year. She did not provide any documentation supporting her claims. These accounts are unresolved. (Items 4, 5)

Applicant stated that SOR ¶ 1.e was a loan she obtained to help pay her credit cards. It was charged off in the amount of \$1,413. She lost track of the account and does not know what is owed on it. She said she would try to pay it off by the end of the year. She did not provide any documentation. This account is unresolved. (Items 4, 5)

Applicant stated that the account in SOR ¶ 1.f was a store credit card. It was placed for collection in the amount of \$879. She said she would attempt to pay it off by the end of the year. She did not provide any documentation. This account is unresolved. (Items 4, 5)

Applicant stated that the account in SOR ¶ 1.g was a credit card she co-signed with a friend to help the friend improve her credit. It was charged off in the amount of \$425. She believes her friend did not pay the balance, and it went into collections. She said she would attempt to pay it off by the end of the year. She did not provide any documentation supporting her claims. This account is unresolved. (Items 4, 5)

Applicant stated that the account in SOR ¶ 1.i was a charged-off credit card. She stopped paying the card in 2021 or 2022 due to having low income. She said she would take care of this account by the end of the year. She did not provide any documentation. This account is unresolved. (Items 4, 5)

Applicant stated that the account in SOR ¶ 1.j was likely another vehicle that was repossessed due to non-payment. It was charged off in the amount of \$13,024. She was not making enough money to cover the payments when it was repossessed. She said she would attempt to set up a payment plan by the end of the year. She did not provide any documentation supporting her claims. This account is unresolved. (Items 4, 5)

Applicant stated that the accounts in SOR ¶¶ 1.k, 1.l, and 1.m were student loans. Together they total \$14,549, with \$5,228 past due. She thought they were discharged in one of the COVID-19 pandemic forgiveness programs, but she later found out they were not discharged, and she had a balance. She set up automatic payments on the accounts, but the payments stopped at some point and “it slipped her mind” to call and set them up again. She stopped keeping track of the loans. She believed she would be able to take care of these accounts later in the year. She did not provide any documentation supporting her claims. These accounts are unresolved. (Items 4, 5)

Applicant was confronted with the eviction alleged in SOR ¶ 1.n with \$2,688 in rent due. She stated she was not aware of it, and said she told the landlord she was moving out because the utility bills were too high. She stated she had not received anything in the mail regarding the eviction and was confronted with evidence that she had been properly served. She stated she had not been given anything. She said she would investigate the balance owed and take care of it within the next 30 days. She did not provide any documentation supporting her claims. The eviction paperwork includes a certificate stating that the summons and complaint were mailed to Applicant on September 19, 2024 at the address at issue. The complaint alleges Applicant did not pay rent for September 2024, and that she was personally served with a three-day notice to pay rent or give possession, and she did not do either. This debt is unresolved. (Items 4, 6)

Both of Applicant's subject interviews reflect significant amounts of information left out of the SCA, such as her children, employment details, and foreign travel. For most of the missing items, Applicant said she was rushing through the form and was not paying close attention when she completed it, or she thought a piece of information was not important or did not need to be listed. In a response to Government interrogatories, Applicant submitted a personal financial statement. Her income includes both her salary and child support payments, and her net monthly remainder is \$2,610. (Item 4)

In her Answer, Applicant stated that her financial situation does not reflect on her "personal integrity or ability to handle sensitive information with the utmost discretion." She stated that she has consistently demonstrated professionalism and trustworthiness throughout her career and has been entrusted with highly confidential information in her prior positions.

Policies

This case is adjudicated under Executive Order 10865, *Safeguarding Classified Information within Industry* (February 20, 1960), as amended; DOD Directive 5220.6, *Defense Industrial Personnel Security Clearance Review Program* (January 2, 1992), as amended (Directive); and the adjudicative guidelines (AG) implemented by the DOD on June 8, 2017.

"[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*, 484 U.S. at 531. "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. See 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*, 484 U.S. at 531.

Analysis

Guideline F, Financial Considerations

The 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. 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.

The Guideline F allegations are supported by Applicant's December 2024 SCA, her response to Government interrogatories, including her January and April 2025 subject interviews with government investigators, a September 2024 complaint for tenant eviction, and her December 2024 credit bureau report (CBR). (Items 3-6). The evidence establishes the following disqualifying conditions under this guideline:

AG ¶ 19(a): inability to satisfy debts; and

AG ¶ 19(c): a history of not meeting financial obligations.

The following mitigating conditions are potentially applicable:

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;

AG ¶ 20(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

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

Applicant has not clearly articulated what caused her financial problems, and she attributed several debts to simply forgetting or losing track of them. She has mentioned periods of low income causing her to miss payments, but there is little information provided to fully understand what caused her to have low income since she did not have any periods of unemployment. Even if her financial problems were due to circumstances largely beyond her control, Applicant has not acted responsibly toward her debts. All the debts are still delinquent and there is no evidence that any action has been taken toward them. Her debts are recent, not isolated, and ongoing which casts doubt on her current reliability, trustworthiness, and good judgment. None of the mitigating conditions apply.

Guideline E, Personal Conduct

The security concern under this guideline is set out in AG ¶ 15:

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. . . .

The evidence establishes the following disqualifying condition in this case:

AG ¶16(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.

I have considered the mitigating conditions under AG ¶ 17. The following are potentially applicable:

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

- (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.

AG ¶¶ 16(a) and 16 (c) apply. Applicant is a mature, well-educated adult. That being said, she has never gone through the security clearance investigative process before, and she clearly did not take the time to fill it out accurately given the significant number of items that needed to be corrected in her subject interview. The record shows she volunteered financial information before being confronted by the investigator in her January 2025 interview, but she was not aware of all of the delinquent debt. Although she should have made the effort to complete the SCA as accurately as possible, her negligence in failing to report her financial issues does not rise to the level of deliberate omission in this case.

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). Because Applicant requested a determination on the record without a hearing, I had no opportunity to evaluate her credibility and sincerity based on demeanor. See ISCR Case No. 01-12350 at 3-4 (App. Bd. Jul. 23, 2003). 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 the security concern raised under Guideline E was mitigated, but Applicant has not mitigated the security concerns raised under Guideline F.

Overall, the record evidence leaves me with questions and doubts about Applicant's eligibility for a security clearance. This decision should not be construed as a determination that Applicant cannot or will not attain the state of reform necessary for eligibility for access to classified information in the future.

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-n:	Against Applicant
Paragraph 2, Guideline E:	FOR APPLICANT
Subparagraph 2.a:	For Applicant

Conclusion

I conclude 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.

A. M. Driskill
Administrative Judge