



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



In the matter of:)	
)	
)	ISCR Case No. 25-00160
)	
Applicant for Security Clearance)	

Appearances

For Government: Aubrey De Angelis, Esq., Department Counsel
For Applicant: Pro se

03/04/2026

Decision

LOKEY ANDERSON Darlene D., Administrative Judge:

Statement of the Case

On November 27, 2023, Applicant submitted a security clearance application (e-QIP) (Government Exhibit 1.) On May 7, 2025, the Defense Counterintelligence and Security Agency Consolidated Adjudication Services (DCSA CAS) issued Applicant a Statement of Reasons (SOR), detailing security concerns under and Guideline E, Personal Conduct; Guideline B, Foreign Influence; and Guideline F, Financial Considerations. The action was taken 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 *National Security Adjudicative Guidelines for*

Determining Eligibility for Access to Classified Information or Eligibility to Hold a Sensitive Position (AG), effective within the DoD after June 8, 2017.

Applicant answered the SOR on June 1, 2025, and requested a hearing before an administrative judge. The case was assigned to me on July 21, 2025. The Defense Office of Hearings and Appeals issued a notice of hearing on November 18, 2025, and the hearing was convened as scheduled on January 13, 2026. The Government offered seven exhibits, referred to as Government Exhibits 1 through 7, which were admitted without objection. The Applicant offered five exhibits with sub-sections, referred to as Applicant's Exhibits A through E, which were admitted without objection. Applicant called two witnesses, and testified on his own behalf. The record remained open until close of business on January 27, 2026, to allow the Applicant the opportunity to submit additional supporting documentation. Applicant submitted no further evidence. DOHA received the transcript of the hearing (Tr.) on January 23, 2026.

Procedural Rulings

The Government requested I take administrative notice of certain facts relating to the Republic of the Philippines. Department Counsel provided a 29-page summary of the facts, supported by eight Government documents pertaining to the Philippines, dated July 15, 2026. The documents provide elaboration and context for the summary. Without objection, I have taken administrative notice of the facts included in the U.S. Government reports. (Tr. pp. 20-21, and HE I.) The facts are summarized in the written request and will not be repeated verbatim in this decision. Of particular note is the significant human rights issues in the Philippines. (HE 1, p. 4 of 29.)

The Government amended the Statement of Reasons on July 15, 2025, withdrawing allegations 1.n., and 1.p., as written. Both allegations 1.n., and 1.p., were then reinstated as initially drafted, with the only substitution adding the reference to the "State of California" rather than the "State of Maryland." Said amendment was made. (Tr. pp. 55-56.)

Findings of Fact

Applicant is 61 years old. He is married and has two step-children. He has a bachelor's degree. He currently holds the position of Test Engineer with a defense contractor. A security clearance is required in connection with his employment.

From the early 1980's through 2013, over thirty years, Applicant has worked for a handful of defense contractors as a Consultant. He is applying for a security clearance for the first time. He began working for his current employer in November 2023. (Government Exhibit 1.)

Guideline E – Personal Conduct

The Government alleged that Applicant is ineligible for a clearance because he engaged in conduct that shows questionable judgment, lack of candor, dishonesty, or unwillingness to comply with rules and regulations that 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.

Applicant was arrested in September 2019 for Corporal Injury to Spouse/Cohabitant. Applicant admitted that he was arrested, but denies that he was ever charged with any criminal offense. (Tr. p. 28.) Applicant's version of the events are as follows: He and his wife were in the car, coming from a Memorial service, where she was the singer. She told the Applicant that she thought people were making fun of her while she was singing at the memorial. Applicant's wife, who had consumed about four alcoholic beverages at the memorial, was drunk and upset, and she slapped the Applicant twice while he was driving. When they arrived at their destination, a steakhouse restaurant to celebrate their anniversary, Applicant pulled into the parking spot, and his wife slapped him again. Applicant grabbed her hands, and told her to stop being violent. He then opened her car door, (the passenger car door), and told her to get out. He then tried to push her out of the car. He also tossed her phone out of her car door. This did not stop her from yelling and being upset, and she did not calm down. When she got out of the car, she called 911. There were other people in the parking lot watching the incident who were telling her to call 911. (Government Exhibit 3.)

The Sheriff's report indicates that Applicant's wife stated that Applicant choked her. When asked how Applicant strangled her, she told the officer that Applicant strangled her with his right hand, while driving the car with his left hand. The officer noted that her neck appeared red below her jaw-bone on both sides, and on the bottom of her neck near the middle of her throat. The officer also saw that her hands were covered in dirt and that she had additional abrasions on the palms of her hands. She told the officer that the Applicant had pushed her. The Sheriff officer also observed a scratch on the front of her right bicep area, and another scratch on the back of her left arm, and a small abrasion on her left hand. The scratches appeared as though they could have been caused by fingernails. (Government Exhibit 3.)

When Applicant was questioned by the officer, he stated that he did not touch his wife's arm, and that he did not touch her neck. He stated that she did have her seat belt on during their argument. He also told the officers that she was upset, she slapped him, and he grabbed her wrists pretty tight. She opened the car door. At that point, he tried to push her out of the car, but she resisted. Applicant was arrested and taken to jail for the weekend. An Emergency Protective Order was entered by the court listing the Applicant as the restrained party. The Sheriff's officer recommended that the police report be forwarded to the District Attorney for a violation of PC 591.5, Damaging A Communication Device With Intent To Prevent Help. (Government Exhibit 3.)

On October 15, 2019, the Sheriff's Office received notification from the District Attorney's Office that prosecution was declined against the Applicant on either of the two proposed charges. The District Attorney's Office (investigator) tried to reach Applicant's wife on September 23, 24, and 26, and was unable to do so. Without the victim's testimony they could not file the charges. (Government Exhibit 3.)

Applicant testified that his wife suffers from Borderline Personality Disorder. She can have episodes when she is challenged or belittled, and she can launch into a narcissistic rage which may include violence at times. She tends to not tell the truth on these occasions, and she is unreasonable. Applicant explained that she was viciously attacked and held captive in Kuala Lumpur Malaysia. From that incident, in the opinion of her therapist, it has caused her to suffer from her current psychological condition. (Tr. p. 29.)

Applicant completed a security clearance application dated November 27, 2023. In response to Section 22, concerning his police record, Applicant was asked if in the last seven years any of the following occurred: has he been issued a summons, citation, or ticket to appear in court in a criminal proceeding; has he been arrested by any police officer, sheriff, marshal or any other type of law enforcement official; has he been charged, convicted, or sentenced of a crime in any court; has he been or is he currently on probation or parole; is he currently on trial or awaiting a trial on criminal charges. Applicant answered "Yes," and disclosed the arrest referenced above. (Government Exhibit 1.) He stated that he and his wife had a confrontation in his vehicle, and she became violent. He stated that he did not injure his wife in the confrontation. The Government claims that Applicant did injure his wife when he choked and pushed her.

Based upon the controverted facts set forth above, it appears that Applicant did in fact touch his wife on the date in question, but his wife chose not to pursue formal criminal charges, and without the victim's testimony, the charges were not brought against the Applicant. Therefore, according to the evidence, Applicant did not provide false information in response to the questions in Section 22 concerning this arrest.

Guideline B – Foreign Influence

The Government alleged that Applicant is ineligible for a clearance because of his foreign contacts and interests, including, but not limited, to business, financial, and property interests; are a national security concern if they result in divided allegiance. They may also be a national security concern if they create circumstances in which the individual may be manipulated or induced to help a foreign person, group, organization, or government in a way inconsistent with U.S. interests or otherwise made vulnerable to pressure or coercion by any foreign interest. Assessment of foreign contacts and interests should consider the country in which the foreign contact or interest is located, including, but not limited to, considerations such as whether it is known to target U.S. citizens to obtain classified information or is associated with a risk of terrorism.

Applicant's mother-in-law, is a citizen and resident of the Philippines. Applicant's wife and her two daughters, who are also Applicant's step-children, are citizens of the Philippines, and permanent residents of the United States.

In 2016, Applicant met his wife on an on-line chat website. (Tr. p. 87.) At that time she lived in Kuala Lumpur, Malaysia and was a professional singer. She had never been to the United States. In 2017, Applicant traveled to Malaysia for business and took the opportunity to meet her in person. They chatted on-line for a few years and started increasing their level of romance. She told Applicant that she had been imprisoned and raped in Kuala Lumpur, Malaysia. After this, he was concerned about her staying in Malaysia, proposed that she leave there, and go back to her home to the Philippines and stay with her daughters. Within a year or so, he could sponsor them and execute K-1 and K-2 Visas. He did this, and in 2018, she and her two daughters came to the United States. In October 2018, she and the Applicant got married.

Applicant's wife and his step-daughters currently live with him in the U.S. His mother-in-law still lives in the Philippines, and before she retired she worked as a court reporter for the Supreme Court of the Philippines. Applicant has never met his father-in-law, and his wife has no contact with him. His wife has a brother who does computer consulting work that is not associated with the Philippine Government. Applicant maintains contact with his mother-in-law, in the Philippines about once a month by phone or electronically. (Tr. p. 94.) She speaks English well. Applicant's wife maintains frequent contact with her mother in the Philippines, possibly bi-weekly contact.

Applicant's wife and her daughters are permanent residents of the United States. She and her girls provide some sort of financial support to Applicant's mother-in-law in the Philippines. (Tr. p. 94.) The father of the two girls left them when they were infants and now lives in Australia. Neither Applicant's wife nor his daughters have any contact with him.

Last year, Applicant's wife tried to obtain her U.S. citizenship. When asked about her tax status, she stated that she was filing her own taxes as married filing separately, and trying to claim her daughters as her dependents. Applicant also claims the girls as dependents, since he is the head of the household. Her income tax return issues have prevented further processing of her application for citizenship.

In February 2023, Applicant's wife purchased a condominium in the Philippines as an investment property. Applicant believes that she co-owns it with a friend in the Philippines. Applicant's wife is using the property as a B & B to try to raise some money. Since she and the Applicant have been married, she has traveled back to the Philippines on three occasions. The most recent trip was about eight months ago and she stayed there for about a month. When she visits the Philippines, she stays at her condominium or with her family there.

In assessing the heightened risk created as a result of Applicant holding a security clearance, the Applicant's ties to a hostile country are important. However, even countries friendly to the United States have attempted to gain unauthorized access to classified information. Under the particular facts of this case, I have taken administrative notice of the information provided concerning the Republic of the Philippines, including credible reports of arbitrary or unlawful killings, including extrajudicial killings; enforced disappearance; torture or cruel, inhuman or degrading treatment or punishment by and on behalf of the government, and other physical abuses by nonstate actors; harsh and life-threatening prison conditions; arbitrary detention; serious problems with the independence of the judiciary; arbitrary and unlawful interference with privacy; serious abuses in a conflict, including unlawful civilian deaths, enforced disappearance or abductions, torture, and physical abuses, unlawful recruitment or use of child soldiers by terrorists and groups in rebellion against the government; serious restrictions of freedom of expression and media freedom, including unjustified arrests or prosecution of journalists and the use of criminal libel laws; serious government corruption; serious government restrictions on or harassment of domestic human rights organizations. (HE 1.)

Guideline F – Financial Considerations

The Government alleges that Applicant is ineligible for a clearance because he engaged in conduct that demonstrates a failure to live within his means, satisfy debts, and meet financial obligations that 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.

For many years, from about the late 90's or early 2000's to the present, Applicant has had a chronic problem of failing to file his Federal and State income taxes on time. In 2019, he hired a bookkeeping service to assist him in getting his income tax returns filed. They filed both his Federal and State income tax returns, for tax years 2015 through 2020. (Applicant's Exhibit E, Applicant's Exhibit B-1, Applicant's Exhibit B-2, and Tr. pp. 64-66.)

Liens were filed against the Applicant in 2003, 2010, 2012, and 2015 for back taxes owed to the Federal Government. (Tr. pp. 101-103.) His wages were first garnished by the Federal Government and the state in 2018 for back taxes owed. (Tr. p. 63.) Applicant explained that because he failed to file his income tax returns on time, his tax indebtedness "snowballed" over the years, and then eventually when he would file his income tax returns and/or his wages would be garnished, his tax liability would decrease. (Tr. pp. 65-69.)

Applicant explained that in February or March 2023, he lost his job where he had been earning \$250,000 annually. He received unemployment benefits and used his savings to pay his bills until it ran out. He contacted his creditors and told them about his financial hardship. Some of his creditors gave him some leeway, others did not. He tried to make the payments as best he could.

In May 2023, Applicant hired a debt consolidation company for assistance. They contacted each of his creditors to negotiate a settlement for less than what he owed. They also required that he pay \$213.94 into an account twice a month that was dispersed to the creditors. Applicant believes that he owes between \$50,000 and \$60,000 in

unsecured debt. (Tr. p. 43.) Applicant stated that each of the debts listed in the SOR have been included in the debt consolidation plan. (Applicant's Exhibit A.)

In November 2023, Applicant began working for his current employer. His current gross salary is about \$170,000 annually. He stated that he finds it very difficult to live on this salary with all of his financial obligations. (Tr. p. 124.)

1.a. Applicant is indebted to a creditor in the amount of \$6,275 for an account that was charged off. This is a delinquent credit card. The debt is included in the debt consolidation program. Applicant does not know the status of this debt. The debt remains owing.

1.b. Applicant is indebted to a creditor in the amount of \$4,251 for an account that was charged off. This is a delinquent credit card. The debt is included in the debt consolidation program. Applicant stated that a settlement has been reached and is in process of being paid. (Tr. p. 47.) The debt remains owing.

1.c. Applicant was indebted to a creditor in the amount of \$4,221 for an account that was charged off. This is a department store credit card. The debt is included in the debt consolidation program. Applicant does not know the status of the debt. The debt remains owing.

1.d. Applicant is indebted to a creditor in the amount of \$3,025 for an account that was charged off. This was a delinquent credit card debt. The debt is included in the debt consolidation program. Applicant stated that a settlement was reached and the debt was paid off. The debt is no longer owing. (Tr. p. 47.)

1.e. Applicant is indebted to a creditor in the amount of \$2,909 for an account that was charged off. This was a delinquent credit card debt. The debt is included in the debt consolidation program. Applicant stated that a settlement was reached and the debt was paid off. The debt is no longer owing. (Tr. p. 48.)

1.f. Applicant is indebted to a creditor in the amount of \$2,487 for an account that was charged off. This was a delinquent credit card debt. The debt is included in the debt consolidation program. Applicant stated that a settlement was reached and the debt was paid off. The debt is no longer owing. (Tr. p. 48.)

1.g. Applicant is indebted to a creditor in the amount of \$2,310 for an account that was charged off. This is a department store credit card. The debt is included in the debt consolidation program. Applicant stated that a settlement has been reached and is in the process of being paid. The debt remains owing. (Tr. p. 48.)

1.h. Applicant is indebted to a creditor in the amount of \$1,440 for an account that was charged off. This is a delinquent credit card. The debt is included in the debt consolidation program. Applicant stated that the creditor raised the credit limit to \$1,700, and they are negotiating a settlement. It is currently in dispute. The debt remains owing. (Tr. p. 49.)

1.i. Applicant is indebted to a creditor in the amount of \$957 for an account that was charged off. The debt is included in the debt consolidation program. Applicant does not know the status of the debt, other than it is in process. The debt remains owing. (Tr. p. 49.)

1.j. Applicant is indebted to a creditor in the amount of \$932 for an account that was charged off. This is a credit card debt. The debt is included in the debt consolidation program. Applicant stated that a settlement has been reached and the debt has been paid. The debt is no longer owing. (Tr. p. 49.)

1.k. Applicant is indebted to a creditor in the amount of \$749 for an account that was charged off. This is a delinquent credit card debt. The debt is included in the debt consolidation program. Applicant stated that a settlement has been reached and the debt has been paid. The debt is no longer owing. (Tr. pp. 49-50.)

1.l. Applicant is indebted to a creditor in the amount of \$688 for an account that was placed for collection. This is a debt to a utility company. The debt is included in the consolidation program. Applicant explained that he did not remove the utilities from his name, when he moved from his previous address. Applicant is disputing the debt and contends that the debt is not his debt. The debt remains owing. (Tr. p. 51.)

1.m. Applicant failed to file Federal income tax returns for tax years 2021, 2022, 2023, and 2024. After receiving the SOR, Applicant filed his Federal income tax return for tax year 2021. He has not yet filed his Federal income tax returns for tax years 2022, 2023, and 2024.

1.n. Applicant failed to file State of California income tax returns for tax years 2021, 2022, 2023, and 2024. After receiving the SOR, Applicant filed his State of California income tax return for tax year 2021. He has not yet filed his State of California income tax returns for tax years 2022, 2023, and 2024.

1.o. Applicant is indebted to the Federal Government for delinquent taxes in the amount of about \$135,000. Applicant stated that since he filed his Federal income tax return for tax year 2021, the amount of his Federal tax liability was reduced to \$53,000. The debt remains owing. (Tr. pp. 52-53.)

1.p. Applicant is indebted to the State of California for delinquent taxes in the amount of about \$30,000. Applicant stated that since he filed his State of California income tax return for tax year 2021, the amount of his State tax liability was reduced to \$18,000. (Tr. p. 56.) The debt remains owing.

Applicant is now in the process of hiring a new person, that comes recommended from a friend, who will help him start to file his income tax returns on time, and to help manage his tax indebtedness. (Tr. pp. 74-75.) Applicant's wages are currently being garnished by the Federal Government in the amount of \$23,000 for tax year 2022; and by the state in the amount of \$9,000 for tax year 2022. (Tr. p. 75, and Applicant's Exhibit D.)

Applicant has a checking account with about \$600 in it. He stated that he has exhausted his 401k because this past year he has regularly borrowed from it to cover the cost of household expenses, and now has about \$800 in it. (Tr. pp. 122-123.) After paying all of his regular monthly expenses, he has nothing left at the end of the month. (Tr. pp. 125-126.) Although his wife is employed, she pays her personal bills and provides the money she sends to her mother in the Philippines. (Tr. p. 127.)

Applicant's two daughters testified about their observations concerning their mother's psychological condition. They know that she used to see a psychiatrist. They know that she has problems expressing her feelings. She has had episodes where she goes into really dark places, gets violent, or argumentative, and is not careful about what she says to others. They believe that she has been diagnosed with Bi-polar Personality Disorder. They have never seen the Applicant get violent with their mother. He has always been patient, and they consider him to be a good father. (Tr. pp. 129-140.)

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. According to AG ¶ 2(a), 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 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.

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, and has the ultimate burden of persuasion as to obtaining a favorable clearance decision."

A person who applies for access to classified information seeks to enter 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 protect or 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 Executive Order (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 *a/so* EO 12968, Section 3.1(b) (listing multiple prerequisites for access to classified or sensitive information).

Analysis

Guideline E - Personal Conduct

The security concern relating to the guideline for Personal Conduct 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 information.

The guideline notes several conditions that could raise security concerns under 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 determination, or other official government representative;

(c) credible adverse information in several adjudicative issue areas that is not sufficient for an adverse determination under any other single guideline, but which when considered as a whole, supports a whole-person assessment of questionable judgment, untrustworthiness, unreliability, lack of candor, unwillingness to comply with rules and regulations, or other characteristics indicating that the individual may not properly safeguard classified or sensitive information;

(d) credible adverse information that is not explicitly covered under any other guideline and may not be sufficient by itself for an adverse determination, but which, when combined with all available information, supports a whole-person assessment of questionable judgment, untrustworthiness, unreliability, lack of candor, unwillingness to comply with rules and regulations, or other characteristics indicating that the individual may not properly safeguard classified or sensitive information.

This includes, but is not limited to, consideration of:

(2) any disruptive, violent, or other inappropriate behavior; 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.

Applicant was arrested in September 2019 for Corporal Injury to Spouse/Cohabitant. He was also alleged to have falsified his security clearance application in response to questions about his police record. The evidence is sufficient to raise the above disqualifying conditions.

The guideline at AG ¶ 17 contains seven conditions that could mitigate security concerns. One of the mitigating conditions is potentially applicable:

(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.

Applicant denies that he engaged in any inappropriate behavior or misconduct towards his wife as alleged under Guideline E. He admits that he was arrested, but denies that he did anything to injure his wife. Obviously, something happened that day between the Applicant and his wife to warrant his arrest, but she chose not to pursue it any further. If he injured his wife in some way on the day in question, there is no documentation to show that it has happened since then. There is no evidence of any further incidents. Applicant has no recent arrests or evidence of misbehavior of any sort since then. Accordingly, this guideline is found for the Applicant.

Guideline B - Foreign Influence

¶ 6: The security concern relating to the guideline for Foreign Influence is set out in AG

Foreign contacts and interests, including, but not limited to, business, financial, and property interests, are a national security concern if they result in divided allegiance. They may also be a national security concern if they create circumstances in which the individual may be manipulated or induced to help a foreign person, group, organization, or government in a way

inconsistent with U.S. interests or otherwise made vulnerable to pressure or coercion by any foreign interest. Assessment of foreign contacts and interests should consider the country in which the foreign contact or interest is located, including, but not limited to, considerations such as whether it is known to target U.S. citizens to obtain classified or sensitive information or is associated with a risk of terrorism.

The guideline notes several conditions that could raise security concerns under AG ¶ 7. Four are potentially applicable in this case:

(a) contact, regardless of method, with a foreign family member, business or professional associate, friend, or other person who is a citizen of or resident in a foreign country if that contact creates a heightened risk of foreign exploitation, inducement, manipulation, pressure, or coercion;

(b) connections to a foreign person, group, government, or country that create a potential conflict of interest between the individual's obligation to protect classified or sensitive information or technology and the individual's desire to help a foreign person, group, or country by providing that information or technology;

(e) sharing living quarters with a person or persons, regardless of citizenship status, if that relationship creates a heightened risk of foreign inducement, manipulations, pressure, or coercion; and

(f) substantial business, financial, or property interests in a foreign country, or in any foreign owned or foreign-operated business that could subject the individual to a heightened risk of foreign influence or exploitation or personal conflict of interest.

Applicant's mother-in-law is a citizen and resident of the Philippines and resides there. His wife and his two step-children, are citizens of the Philippines, and also permanent residents of the United States, and live here in the United States with him. The evidence is sufficient to raise the above disqualifying conditions.

AG ¶ 8 provides conditions that could mitigate security concerns. I considered all of the mitigating conditions under AG ¶ 8 including:

(a) the nature of the relationships with foreign persons, the country in which these persons are located, or the positions or activities of those persons in that country are such that it is unlikely the individual will be placed in a

position of having to choose between the interests of a foreign individual, group, organization, or government and the interests of the United States;

(b) there is no conflict of interest, either because the individual's sense of loyalty or obligation to the foreign person, or allegiance to the group, government, or country is so minimal, or the individual has such deep and longstanding relationships and loyalties in the United States, that the individual can be expected to resolve any conflict of interest in favor of the U.S. interest;

(c) contact or communication with foreign citizens is so casual and infrequent that there is little likelihood that it could create a risk for foreign influence or exploitation; and

(e) the individual has promptly complied with existing agency requirements regarding the reporting of contacts, requests, or threats from persons, groups, or organizations from a foreign country.

Applicant met, fell in love, and married a Philippine national. He brought her and her two daughters to the United States, where they currently reside together as a family. Applicant's wife is a professional singer with no associations to the Philippine government. She owns a condominium in the Philippines that she uses as a B & B and where she stays when she visits there. His two step-daughters are college students in the U.S. They all hope to become U.S. citizens one day.

Applicant's mother-in-law remains in the Philippines and is retired. His brother-in-law, works as a computer consultant in the Philippines and has no affiliation with the Philippine Government. Applicant's contact with these individuals are regular and are not out of the ordinary. Applicant has been open, honest, and candid about these relationships from the beginning during his clearance process. These foreign contacts are not likely to result in a situation that may create divided allegiance, nor do they pose a threat or negatively influence Applicant's decision making, impacting the interests and security of the United States. Under the particular circumstances here, the risk-benefit analysis is applicable, and these contacts do not pose a security risk to the U.S. Government. None of these contacts are able to manipulate, induce, or influence the Applicant to help a foreign person or government in a way that is inconsistent with the U.S. interests. Under the circumstances, his foreign contacts do not present a risk here. Full mitigation under AG ¶¶ 8(a), 8(b), 8(c), and 8(e) has been established.

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. Four are potentially applicable in this case:

- (a) inability to satisfy debts;
- (b) unwillingness to satisfy debts regardless of the ability to do so;
- (c) a history of not meeting financial obligations; and
- (f) failure to file or fraudulently filing annual Federal, state, or local income tax returns or failure to pay annual Federal, state, or local income tax as required.

Since 2015 or 2016, Applicant has failed to file his Federal and state income tax returns on time; and as a result, he has become excessively indebted to the Federal and state tax authorities for delinquent back taxes. He also has other delinquent debts that he has not paid. The evidence is sufficient to raise the above disqualifying conditions.

The following mitigating conditions under Financial Considerations 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, 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.

Applicant has a more than a ten-year history of failing to file his Federal and state income tax returns on time. As a result, he has become delinquently indebted in back taxes. He has not yet filed his Federal and state income tax returns for tax years 2022, 2023, and 2024. His wages are currently being garnished for Federal and state back tax liability. His history of procrastination in filing his income tax returns is inexcusable. He also has other delinquent debt that he has not paid. He remains excessively indebted, and from the evidence presented, it is not clear that he can afford to resolve his remaining delinquent tax debt and the other delinquent debt he has at this time. There is insufficient information in the record to conclude that he is financially stable or financially responsible. It is not certain that he can afford his lifestyle, or if he has the financial resources available to meet his financial obligations. None of the mitigating conditions apply. This guideline is found against the Applicant.

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 facts and circumstances surrounding this case. I have incorporated my comments under Guidelines E, B, and F, in my whole-person analysis. Some of the factors in AG ¶ 2(d) were addressed under those guidelines, but some warrant additional comment. Under the particular facts of this case, Applicant's personal conduct or behavior was not inappropriate; he was not dishonest on his security clearance application to the Government in response to question 22 concerning his police record; and his connections with the Republic of the Philippines do not pose a significant risk to the U.S. government. On the other hand, Applicant's Financial Considerations remain a security concern that has not been mitigated.

Overall, the record evidence leaves me with questions and doubts as to Applicant's eligibility and suitability for a security clearance. I conclude Applicant has mitigated the Personal Conduct and Foreign Influence security concerns, but he has not mitigated the Financial Considerations security concern.

Formal Findings

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

Paragraph 1, Guideline B:	FOR APPLICANT
Subparagraphs 1.a. and 1.b.	For Applicant
Paragraph 2, Guideline E:	FOR APPLICANT
Subparagraphs 2.a. through 2.c.	For Applicant
Paragraph 3, Guideline E:	AGAINST APPLICANT
Subparagraphs 3.a. through 3.p.	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 national security eligibility and a security clearance. Eligibility for access to classified information is denied.

Darlene Lokey Anderson