



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



In the matter of: )  
)  
) ISCR Case No. 24-01244  
)  
Applicant for Security Clearance )

**Appearances**

For Government: Daniel P. O’Reilley, Esq., Department Counsel  
For Applicant: Melissa Watkins, Esq. and Aidan Connor, Esq.

04/16/2026

**Decision**

BORGSTROM, Eric H., Administrative Judge:

Applicant mitigated the personal conduct and financial considerations security concerns arising from his falsifications, employment termination, past moving violations, and delinquent debts. Eligibility for access to classified information is granted.

**Statement of the Case**

On January 8, 2025, the Defense Counterintelligence and Security Agency (DCSA) issued a Statement of Reasons (SOR) to Applicant detailing security concerns under Guideline E (personal conduct) and Guideline F (financial considerations). The DCSA acted under Executive Order (EO) 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 on June 8, 2017.

In Applicant’s March 18, 2025 response to the SOR (Answer), he admitted, with explanations, SOR ¶¶ 1.a. and 1.g. As to SOR ¶¶ 1.b. through 1.f., he admitted the employment separation, the criminal, traffic, and nuisance offenses, and the financial delinquencies, but he denied any intent to deliberately falsify his responses on his January 2023 Electronic Questionnaire for Investigations Processing (e-QIP), September 2020 e-QIP, and in the August 2024 interrogatories. He further admitted the delinquent debts in SOR ¶¶ 2.a., 2.c., 2.d., 2.e., and 2.f., denied SOR ¶¶ 2.g. and 2.h., and admitted

in part and denied in part SOR ¶ 2.b. He attached 12 exhibits, which were included in the evidentiary record, without objection. He requested a hearing before a Defense Office of Hearings and Appeals (DOHA) administrative judge. (Answer)

On May 21, 2025, the Government was ready to proceed to a hearing. I was assigned this case on September 2, 2025. On September 30, 2025, a notice was issued scheduling the hearing for October 29, 2025. The case was delayed when all administrative judges were furloughed from October 1 through November 12, 2025, during a federal government shutdown due to a lapse in federal funding.

Due to the government shutdown, the hearing was rescheduled for December 11, 2025. The hearing proceeded as rescheduled. The Government proffered 12 evidentiary exhibits, which I admitted as Government Exhibits (GE) 1 through 12, without objection. Applicant and one witness testified. Applicant submitted seven exhibits, which I admitted as Applicant Exhibits (AE) A through G, without objection. At Applicant's request, I kept the record open until January 23, 2026, to provide him an opportunity to supplement the evidentiary record. DOHA received the hearing transcript (Tr.) on December 19, 2025. On January 20, 2026, Applicant provided eight additional exhibits, which I admitted as AE H through O, without objection. The evidentiary record closed on January 23, 2026.

### **Findings of Fact**

Applicant is 32 years old. He graduated from high school in June 2012. From July 2012 to June 2013, he attended a technical institute, from which he received a certificate of completion as an electronic system technician. He has never been married, and he has two children, ages three and four. (GE 1, GE 3; Tr. 40, 43-45)

From October 2020 to October 2021, Applicant was employed by a U.S. Government entity (Agency A). In October 2021, he was involuntarily separated from that position and remained unemployed for about three months. From January or February 2022 until November 2023, he was employed full time as an electronics technician by two different federal contractors. Since November 2023, he has been employed as a security technician with a federal contractor, and he estimated his annual income at approximately \$72,000. (GE 1, GE 3; Tr. 40-46)

The SOR alleges personal conduct security concerns based upon an employment termination (SOR ¶ 1.a.), numerous criminal, traffic, and nuisance offenses and infractions (SOR ¶ 1.g.), and deliberate falsifications on Applicant's January 2023 e-QIP (SOR ¶¶ 1.b., 1.c., 1.d.), his September 2020 e-QIP (SOR ¶ 1.f.), and his August 2024 response to DOHA interrogatories (SOR ¶ 1.e.). The SOR also alleges financial considerations security concerns arising from eight delinquent debts (SOR ¶ 2.a.-2.h.).

### **Financial Considerations**

In about July 2016, Applicant engaged a credit-counseling firm (CCF) to assist him in settling debts and arranging monthly payments. Due to his financial means, he added

delinquent accounts to the CCF as other debts were resolved, as he could not afford to address and resolve all of his delinquent accounts concurrently. Through the CCF, Applicant resolved three unalleged debts in October 2019 and April 2020.<sup>1</sup> As of the hearing, he was paying \$290 monthly towards two accounts, including SOR ¶ 2.d. (Tr. 156-161; Answer at Encl. 9; GE 3 at 11-13)

**SOR ¶ 2.a.** This account was opened in March 2021, became delinquent in December 2023, and was charged off in the approximate amount of \$200. Applicant admitted this debt and claimed that it had been included in the CCF program and paid. There is no evidence of any payments or payment arrangements on this account. **This debt is not resolved.** (Answer; GE 9-10; AE A at 21-23, 90; Tr. 159)

**SOR ¶ 2.b.** In August 2019, Applicant purchased a home, which he intended to renovate and sell. When he moved out of state, he rented the property; however, the renter stopped paying during the pandemic. Applicant stopped paying the mortgage in about March 2020. Later, as many as seven other individuals lived or squatted at the home and prevented Applicant's entry. He filed civil actions to evict these individuals, and they were removed in June 2024. The squatters' presence resulted in the nuisance offenses and impeded Applicant's receipt of correspondence concerning the water bill (SOR ¶ 2.f.), his debts, and his court proceedings. Court records establish that Applicant had defaulted on the mortgage by July 2022 and that foreclosure proceedings were initiated in January 2023. As of January 2023, this account was past due in the approximate amount of \$185,674. In June 2025, this property was sold, and the mortgage was discharged. **This debt is resolved.** (GE 3 at 11-12, 41, 46, GE 6, GE 7, GE 9, GE 10, GE 11; AE A at 26-27, 32-34, 88, AE D, AE E, AE M; Tr. 149-155, 180)

**SOR ¶ 2.c.** Applicant testified that his financial problems began during his period of unemployment. At the time, he was obligated to, but not paying, his mortgage (SOR ¶ 2.b.), he leased an apartment (SOR ¶ 2.c.), and he was living with his girlfriend, whom he assisted with rent. His lease (SOR ¶ 2.c.) expired in February 2023, and, for several months in early 2022, he subleased this apartment through AirBnB. New local regulations then prohibited such short-term subleases by about mid-2022. In August 2022, he permitted a friend to sublease the apartment with the understanding that the friend would pay the rent. The individual failed to pay rent for September, October, and November 2022. Applicant's lease was terminated, and he was evicted. In June 2023, this lease account was placed for collection in the approximate amount of \$10,465. (GE 10; AE D; Tr. 144-148)

On July 28, 2023, Applicant was interviewed by an investigator on behalf of the Office of Personnel Management (OPM). During the interview, Applicant discussed the sublease of his apartment and that he received notice from the apartment owner that he was being evicted for non-payment and that he owed approximately \$9,000 in back rent. During the interview, Applicant explained that he had engaged the CCF to assist him in resolving this debt and that the debt remained unpaid. (GE 3 at 6)

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<sup>1</sup> Applicant includes a fourth paid-in-full letter with his Answer; however, the account number appears to be duplicative of another resolved unalleged account. (Answer at Encl. 9)

As of the hearing, there was no evidence of any payments on this delinquent rent since Applicant's eviction. He testified that, in March 2025, he had discussed with the CCF about adding this debt to the settlement program, and the CCF was agreeable. As of the hearing, this debt had not been added, presumably because Applicant had six more payments to complete on another debt (SOR ¶ 1.d.). (Tr. 166-167)

After the hearing, Applicant proffered correspondence from the collection agency handling the delinquent rent account. The collection agency states that, following its review of the account, it had concluded that the account was the result of fraud or identity theft, and it had notified the creditor. As a result, the collection agency was discontinuing its collection efforts. Given Applicant's repeated admissions of this debt and his testimony confirming that he did not pay rent for multiple months, the record evidence established this debt. There is no evidence of any payments on this delinquent rent since September 2022. **This debt is not resolved.** (AE N)

**SOR ¶ 2.d.** This loan (#6681) was incurred in September 2021 and was charged off in the approximate amount of \$7,098 as of January 2023. Applicant provided documentary evidence establishing that this account was being paid through the CCF program. As of January 2026, Applicant had made 44 monthly payments of approximately \$238, with the remaining balance of approximately \$1,386. **This debt is being resolved.** (Answer at Encl. 9; GE 10-11; AE C, AE H)

**SOR ¶ 2.e.** This credit-card account was opened in September 2018. As of November 2022, this account was charged off in the approximate amount of \$717. In his Answer, Applicant claimed that this account was included in and resolved through the CCF program; however, there is no documentary evidence to corroborate these claims. There is no evidence of any payments or payment arrangements on this account since its delinquency. **This debt is not resolved.** (GE 10)

**SOR ¶ 2.f.** This loan (#6612) was incurred in November 2020, became delinquent in December 2021, and was charged off in the approximate amount of \$12,818 as of May 2022. In his Answer, Applicant claimed that this account was included in and resolved through the CCF program; however, there is no documentary evidence to corroborate these claims. There is no evidence of any payments or payment arrangements on this account. **This debt is not resolved.** (Answer; GE 10-11; AE A at 91)

**SOR ¶ 2.g.** This utility bill, linked to the rental property, was past due in the approximate amount of \$3,599. In his Answer, Applicant explained that this bill was linked to his rental property and that the squatters had incurred this expense without his knowledge. He proffered an August 2022 email requesting that the water be shut off due to a leak, and he claimed to have made several calls to the water department in 2021 and 2022. There is no documentary evidence of any response from the water department. In October 2025, Applicant emailed the water department to explain that he had requested the water to be turned off and, in effect, disputing the bill. As of the hearing, he continued to dispute this bill and had not made any payments. After the hearing, he provided a

January 2026 email from the water department updating the balance owed as \$170. **This balance remains unresolved.** (GE 8; AE G, AE K; Tr. 172-175, 178-179)

**SOR ¶ 2.h.** On December 13, 2021, Applicant was cited for a nuisance offense for failing to place recyclables for collection at his rental property. In January 2022, he was ordered to pay \$184 in fines and costs. As of August 29, 2024, court records reported these fines and costs remained unpaid. With the Answer, Applicant included a search of municipal court cases; however, this case search did not include nuisance offenses. At the hearing, he testified that he had been unable to find this delinquent debt. **This debt remains unpaid.** (GE 5 at 12; Answer at Encl. 10; Tr. 183)

During the July 2023 OPM interview, Applicant admitted that he had experienced financial problems due to his period of unemployment, and these problems were exacerbated by the squatters at the rental property and the sublessee who failed to pay rent. During the interview, he acknowledged that he owed the municipality approximately \$1,200 in utilities for the rental property. (GE 3 at 11-12)

With his Answer, Applicant attached a March 12, 2025 letter from a company engaged by Applicant to dispute errors on his credit report. The letter does not indicate when Applicant first engaged the company and what disputes were initiated. (Answer at Encl. 8)

At the hearing, Applicant testified that he believed he only had the delinquent rent (SOR ¶ 2.c.) and water bill (SOR ¶ 2.f.) remaining. He admitted that he could not afford to pay any additional bills until he had resolved SOR ¶ 2.d. through the CCF program.<sup>2</sup> He was currently paying \$1,800 monthly in court-ordered child support, and he did not have any funds left over at the end of the month for additional bill payments. At the hearing, he explained that he had just taken on a second job, but that position would not continue because the work hours conflicted with his primary employment with the federal contractor. (AE J, AE O; Tr. 48, 176, 189-192)

## **Employment Termination**

**SOR ¶ 1.a.** From November 2020 until October 25, 2021, Applicant was employed as an electronics technician for Agency A. By letter dated October 22, 2021, Applicant was terminated. The letter, in pertinent part, reads:

During your tenure, you have had ongoing issues with your performance and conduct, despite ongoing counseling. Based on these issues which are outlined briefly below, I have decided that your termination is warranted.  
(GE 4)

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<sup>2</sup> Applicant did not submit an updated monthly budget reflecting his income and expenses. He submitted a paystub (AE I), however, this paystub relates to a December 2025 bonus and does not appear to be his regular income.

Applicant's supervisor noted that Applicant repeatedly arrived to work late and frequently called in after his scheduled start time to report that he had overslept. He was repeatedly counseled about his tardiness and for his excessive use of his personal cell phone during work hours. Despite the counseling, his misconduct continued, resulting in his termination. (GE 4)

Applicant proffered an email, dated November 6, 2021, to an individual at Agency A with an attached resignation letter. The resignation letter was dated October 23, 2021, was addressed to Agency A, and provided notice of his resignation. (Answer at Encl. 7)

At the hearing, Applicant testified that, while employed at Agency A, he would frequently travel out-of-state to visit his mother, who was a healthcare worker during the COVID-19 pandemic. He would make the four-hour return drive on Sunday nights, struggle to fall asleep, and take a sleep medication or supplement. On multiple occasions, he overslept and was late. He claimed that he apprised his supervisor of his situation and was advised to alert the supervisor when he was going to be late. The second time Applicant was tardy, he did not notify his supervisor, and he was terminated. Applicant testified that he was never admonished or instructed not to be on his personal cell phone while at work until he was informed that he would be terminated. Applicant described his exchange with his supervisor when informed of his termination. He claimed that the supervisor told him that, if fired, Applicant would receive unemployment but would be ineligible to work for the federal government again; however, if he resigned, he could still work for the government but would be ineligible for unemployment compensation. He testified that he submitted his resignation letter shortly thereafter. (Tr. 55-58)

### **Criminal, Traffic, and Municipal Offenses**

**SOR ¶ 1.g.** The Government proffered court records of over 61 criminal, traffic, and nuisance offenses by Applicant between April 2012 and August 2022. These offenses included 43 offenses involving nuisance infractions associated with his rental property, improper vehicle safety equipment, or other minor moving violations; 15 were dismissed. Applicant was found guilty of the remaining 28 offenses and was fined approximately \$1,230. (Answer at Encl. 10; Tr. 105-108, 113-114)

The 18 remaining, more serious offenses were as follows:

- Two charges of reckless driving, a misdemeanor. In February 2021, was charged with reckless driving for driving 81MPH in a 45MPH zone. He was found guilty and was fined approximately \$250. In November 2012, the reckless driving charge was reduced to careless driving, and he was fined \$125.
- In April 2012, Applicant was charged with criminal trespass – defiant, a misdemeanor. The charge was reduced to a nuisance offense, and he was fined \$356.

- Seven charges of careless driving spanning June 2013 to October 2018. He was found guilty three times and was fined approximately \$183.
- Four charges of speeding, including twice over 20MPH and once 18MPH over, with fines totaling \$434. One charge was dismissed.
- Two charges of driving after license suspended or revoked. Applicant was found guilty on one charge and fined \$131, and the other charge was dismissed.
- In November 2020, Applicant was charged with leaving the scene of an accident involving property damage and failure to report an accident. Both charges were dismissed. (Answer at Encl. 10)

Applicant testified that the nuisance offenses were caused by the squatters at his rental property and that the vehicle safety violations occurred while he operated his mother's vehicle. He did not own a vehicle at the time, and his mother's vehicle had tinted windows. Although he understood these windows violated regulations, he was concerned that his mother may be harmed if she operated this expensive vehicle without tinted windows. (Tr. 109-111, 115)

At the hearing, Applicant admitted that he had been arrested in about 2021 after he was pulled over for a moving or vehicle-safety violation. At the time, a bench warrant had been issued due to the unpaid nuisance offenses. He was arrested, transported in a police cruiser, booked, fingerprinted, and bailed out. He then appeared in court, and the nuisance offenses were disposed. (Tr. 128-141)

As to the 2021 reckless driving charge (81MPH/45MPH), Applicant was not arrested but he did receive a court summons and appeared in court. He pled guilty and paid the fine. Besides a vehicle-safety violation in February 2024, while operating his mother's vehicle, he has not been pulled over since August 2022. He has never been jailed or placed on probation. He testified that he has learned his lesson. He does not own a vehicle but occasionally will rent or borrow a vehicle. (Tr. 115, 134-142)

## **Falsifications**

**SOR ¶ 1.f.** On September 14, 2020, Applicant certified and submitted an e-QIP. Under Section 24 – Financial Record, Applicant responded “NO” to the following queries:

Are you currently utilizing, or seeking assistance from, a credit counseling service or other similar resource to resolve an inability to meet financial obligations?

In the last seven (7) years, [have] you had bills or debts turned over to a collection agency?

In the last seven (7) years, [have] you had any account or credit card suspended, charged off, or cancelled for failing to pay as agreed?

In the last seven (7) years, [have] you been over 120 days delinquent on any debt not previously listed? (GE 2)

At the time, Applicant was making monthly payments to the CCF to resolve some delinquent debts. His December 2020 credit report lists a \$1,109 medical collection assigned in May 2020, a paid charged-off credit-card account in the approximate amount of \$2,544 from 2019, a paid utility collection from 2018, and a paid charged-off credit-card account in the approximate amount of \$2,612 from 2019. In his Answer, Applicant explained that he did not list these accounts because he believed the medical collection was being paid through his health insurance coverage and the CCF had resolved the other three accounts. He did not disclose his engagement with the CCF on his September 2020 e-QIP. (Answer; GE 12)

**SOR ¶¶ 1.b. and 1.c.** On January 11, 2023, Applicant certified and submitted an updated e-QIP. Under Section 13A – Employment Activities, he reported that he had been employed with a federal agency as an electronic technician from November 2020 to November 2021. He listed his “Reasons for Leaving” as “Had to go back to [State] to take care of my mother so I had to relive [sic] myself from the job.” He denied that he had been fired, had quit after being told he would be fired, had left by mutual agreement following charges or allegations of misconduct, or left by mutual agreement following notice of unsatisfactory performance (SOR ¶ 1.b.). He also denied having received any written warnings, having been reprimanded, suspended, or disciplined for misconduct in the workplace (SOR ¶ 1.c.). (GE 1)

During the July 2023 OPM interview, Applicant admitted that he was unemployed from about October 2021 to November 2021. He admitted that he had previously worked for Agency A from November 2020 to October 2021. He was late to work once and received a written reprimand from his supervisor. He admitted that he quit because he thought he would be fired. In his August 2024 response to DOHA interrogatories, he affirmed the accuracy of the July 2023 interview summary without any corrections or additions. (GE 3 at 7)

In his Answer, Applicant admitted that he had resigned from his position with Agency A following issues raised regarding his tardiness and cell phone usage. He denied any intent to falsify and averred that he had answered the question truthfully. (Answer)

At the hearing, Applicant denied being untruthful in his responses on his e-QIP. During cross-examination, he admitted that he had been verbally counseled after his first tardy and that he had also received an email about his tardiness. He also admitted that he had received, read, and signed the October 22, 2021 termination letter. He claimed that he had only been late twice before he was fired. He further admitted that he had submitted his resignation letter by email dated November 6, 2021. He explained that he was informed by his supervisor at Agency A that, if he resigned instead of being fired, he

may be eligible to work for the federal government again. He testified that he was ineligible for unemployment compensation because he had resigned. He testified that, as he completed his e-QIP, he did not remember being fired. He admitted that he only submitted the resignation letter because he had been told that he was being fired. (Tr. 59-77, 91-92)

Applicant testified that he was unemployed for about three months after his termination from Agency A. On his 2023 e-QIP, he did not list any period of unemployment. Rather, he reported that he started his subsequent employment in November 2021, when, in fact, he began in January or February 2022. He claimed that he did not know he could list a period of unemployment; however, he also did not include his period of unemployment in the "Additional Comments" portion on the e-QIP. Of note, the instructions under Section 13A instruct respondents to enter periods of unemployment. When questioned why he answered "NO" to the question about whether he had been fired or quit after he had been told he'd be fired, he responded, "Because, again, the way he made it sound was like he's giving – he's doing a favor for me. So I didn't realize that I needed to actually click 'YES' to this." He further testified that he believed that resigning and quitting were different. (GE 1; Tr. 81, 86-89, 101)

At the DOHA hearing, Applicant confirmed that he had reviewed his employment history during his July 2023 OPM interview and that he had confirmed the accuracy of the interview summary. He acknowledged that he had received a written counseling about his tardiness, but he twice denied that he told the investigator that he quit because he had been told he would be fired. He explained that he didn't read the interview summary in full when he confirmed its accuracy. (Tr. 91-95)

While unemployed, Applicant filed for unemployment compensation several times, notwithstanding his understanding that he was ineligible for such benefits because he resigned from Agency A. When questioned about this conduct, he responded, "Because at the time I was fired. So I mean, I wasn't fired. At the time, I didn't have a job, so I needed some type of money. So I even just tried just because, just to see." (Tr. 78-79)

**SOR ¶ 1.d.** In the January 2023 e-QIP, under Section 26 – Financial Record, Applicant reported that he had lost his job, could not receive unemployment, and engaged the services of CCF. He further admitted that he was paying \$290 monthly to the CCF to resolve approximately \$10,192 in debt. He did not list the specific debts handled by the CCF. Under Section 26, he responded "NO" to the following questions:

In the last seven (7) years, [have] you had any possessions or property voluntarily or involuntarily repossessed or foreclosed?

In the last seven (7) years, [have] you had bills or debts turned over to a collection agency?

In the last seven (7) years, [have] you had any account or credit card suspended, charged off, or cancelled for failing to pay as agreed?

In the last seven (7) years, have you been evicted for non-payment?

In the last seven (7) years, have you been over 120 days delinquent on any debt not previously listed?

During the July 2023 OPM interview, Applicant confirmed his engagement with the CCF since July 2016, and he explained that he had experienced financial problems due to his unemployment and the squatters at his rental property. He expressed his intent to sell the rental property when vacated by the squatters. He admitted one personal loan (SOR ¶ 2.d.), that he had stopped paying his mortgage (SOR ¶ 2.b.) in March 2020, and that the mortgage was over \$7,100 past due. He explained that he had incurred the personal loan in November 2022 and had intentionally allowed the loan to become delinquent so the CCF would handle it. He acknowledged that he owed approximately \$1,200 to the municipal water department (SOR ¶ 2.g.) but claimed that the account was current. The OPM investigator then confronted Applicant about five additional delinquent accounts, including SOR ¶¶ 2.e and 2.f. He had claimed to have used the personal loan (SOR ¶ 2.d.) to pay off SOR ¶ 2.e. and to be paying SOR ¶ 2.d. through the CCF. (GE 3 at 12-13)

At the hearing, Applicant admitted that he knew that he had some delinquent debts, including SOR ¶¶ 2.b. and 2.e., when he completed his e-QIP, but he had not considered those accounts delinquent because they were being resolved through the CCF. He had not reported his delinquent mortgage account on his e-QIP because he intended to sell the house. He had no explanation for failing to report the delinquent rent (SOR ¶ 2.c.). He acknowledged that he was over two years delinquent on his mortgage and that he had been delinquent on his rent at the time he completed his e-QIP. He did not provide any explanation for why he did not report his eviction for nonpayment of rent. He explained that he had been unaware of the delinquent water bill at the time he completed his 2023 e-QIP. He did not seek any assistance when he was completing the e-QIP. (Tr. 102, 186-188, 202-203)

**SOR ¶ 2.e.** In his August 31, 2024 response to DOHA interrogatories, Applicant adopted the interview summaries. He denied any foreclosure case involving his rental property. He submitted a Personal Financial Statement listing \$3,200 in monthly income and \$5,080 in monthly expenses. He also denied having ever been arrested or charged with a criminal offense, to include criminal traffic offenses such as reckless driving and driving while suspended. He attached a copy of his driving record as of August 31, 2024. Between December 2012 and November 2015, Applicant's driver's license was suspended on five occasions. (GE 3)

At the hearing, Applicant testified that he had truthfully answered the queries in the DOHA interrogatories. He admitted that he had been arrested once in 2021 or 2022 due to a bench warrant for failing to appear in court to respond to nuisance offenses. He had been unaware at the time of the citations and fines associated with his rental property. He admitted the reckless driving charges but had mistakenly believed the 2021 reckless

driving charge was a speeding offense. He admitted that he did have a problem with speeding for a time, and he later completed remedial driving courses. When he had completed his response to the DOHA interrogatories, he had forgotten about his 2021 reckless driving charge and had not obtained a driving record or criminal history record. (Tr 105-112, 124, 126)

## **Whole Person**

Applicant submitted two character-reference letters in support of his clearance eligibility. His former supervisor worked overseas with Applicant in support of a U.S. Government agency. He praised Applicant as “an exceptional worker that was a true asset to [the] team.” He attested to his “punctuality, attention to detail, quality of work, and general attitude” towards his coworkers and clients. His former realtor described him as honest, reliable, trustworthy, and hard-working. She noted that he had worked hard to sell the rental property. (Answer at Encl. 12; AE F; Tr. 42)

Applicant’s current supervisor, who is the chief executive officer and facility security officer of the company, testified on his behalf. She first interviewed Applicant for employment in November 2022, and he disclosed his resignation from Agency A during the interview and his tardiness while caring for his mother. The witness praised Applicant’s work performance, attendance, punctuality, mentorship of newer employees, reliability, trustworthiness, and good judgment. She noted that he had twice been awarded for his work performance and that a promotion was imminent. (Answer; at Encl. 6; Tr. 20-32)

Applicant proffered a performance appraisal spanning November 2023 to November 2024. He received good and excellent ratings throughout, and the rater noted that he “shows up to work every day and on time.” (Answer at Encl. 5)

## **Policies**

When evaluating an applicant’s suitability for a security clearance, the administrative judge must consider the adjudicative guidelines. 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 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 the national security.”

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 security decision.

A person who seeks access to sensitive 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 sensitive information. Decisions include, by necessity, consideration of the possible risk the applicant may deliberately or inadvertently fail to safeguard sensitive information. Such decisions entail a certain degree of legally permissible extrapolation of potential, rather than actual, risk of compromise of sensitive 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 E: Personal Conduct**

The 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. . . .

The guideline notes several conditions that could raise security concerns under AG ¶ 16. The following disqualifying conditions are potentially applicable in this case:

(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.

(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. . . .

Applicant's misconduct precipitating his employment termination and his pattern of traffic offenses reflect questionable judgment, unreliability, and an unwillingness to comply with rules and regulations. AG ¶ 16(d) applies as to SOR ¶¶ 1.a. and 1.g.

As to SOR ¶ 1.e., Applicant credibly testified that he had believed the February 2021 offense was a speeding offense and that he did not recall being charged with reckless driving, a misdemeanor. The record evidence did not establish that he deliberately provided false information in his August 2024 response to the DOHA interrogatories. AG ¶ 16(a) does not apply.

As to SOR ¶¶ 1.b. and 1.c., Applicant denied deliberately providing false information under Section 13A on his January 2023 e-QIP. I have considered the somewhat unusual circumstances of Applicant's termination followed by his resignation; however, the circumstantial evidence established that Applicant was aware of his written reprimand and that he decided to quit after being told he would be fired. He testified that he submitted his resignation letter because he had been told he would otherwise be fired. AG ¶ 16(a) applies.

As to SOR ¶¶ 1.d. and 1.f., Applicant denied deliberately provided false information under Section 26 on his January 2023 e-QIP and Section 24 on his September 2020 e-QIP. Applicant admitted that he had delinquent debts and that he was aware of his delinquent debts when he completed his e-QIPs. He explained that he did not list his delinquent debts because he considered they were being addressed through the CCF. Applicant's failure to report his delinquent rent and eviction (SOR ¶ 2.c.) and his delinquent mortgage (SOR ¶ 2.b.) is problematic because neither account was included in the CCF; however, I have attributed these omissions to Applicant's lack of sophistication and unfamiliarity with his finances and the e-QIP queries. Although incomplete information and not responsive to all of the queries under Section 26, Applicant's disclosure of his engagement with the CCF revealed his financial problems. The record evidence did not establish Applicant deliberately falsified information about his delinquent debts on his e-QIPs. AG ¶ 16(a) does not apply.

The following personal conduct mitigating conditions under AG ¶ 17 are potentially relevant:

- (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.

Applicant's criminal, traffic, and nuisance offenses were over three years ago. He has had one vehicle-safety citation since August 2022. He no longer has a vehicle, and he acknowledged his immaturity in the past. I have also considered that Applicant's employment termination occurred under unusual circumstances (the pandemic and his mother's health issues). His last two supervisors both praised his punctuality, reliability, and work performance. He has received two awards and is in line to receive a promotion. AG ¶ 17(c) applies as to SOR ¶¶ 1.a. and 1.g.

The record evidence established that Applicant deliberately falsified or withheld material information about his employment, written reprimand, and termination from Agency A. That said, he volunteered this information a few months later during his January 2024 OPM interview. I have also considered Applicant's age, education, and the unusual circumstances of his employment separation. He acknowledged his poor judgment in rushing through the e-QIP. AG ¶ 17(a) applies as to SOR ¶¶ 1.b. and 1.c. Applicant's prompt, good-faith disclosures to the OPM investigator and his exemplary performance at his current employment mitigate the personal conduct security concerns arising from his falsification and his past misconduct.

#### **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. . . .

The guideline notes several conditions that could raise security concerns under AG ¶ 19. The following are potentially applicable in this case:

- (a) inability to satisfy debts; and
  
- (c) a history of not meeting financial obligations.

Applicant's admissions and the documentary evidence established his eight delinquent debts, totaling approximately \$221,000. Some of these debts have been delinquent since 2020. AG ¶¶ 19(a) and 19(c) apply.

Conditions that could mitigate financial considerations security concerns are provided under AG ¶ 20. The following are potentially applicable in this case:

- (a) the behavior happened so long ago, was so infrequent, or occurred under such circumstances that it is unlikely to recur and does not cast doubt on 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.

Applicants bear the burden of production and persuasion in mitigation. An applicant is not held to a standard of perfection in his or her debt-resolution efforts or required to be debt-free. "Rather, all that is required is that an applicant act responsibly given his circumstances and develop a reasonable plan for repayment, accompanied by 'concomitant conduct,' that is, actions which evidence a serious intent to effectuate the plan." ISCR Case No. 15-02903 at 3 (App. Bd. Mar. 9, 2017). See, e.g., ISCR Case No. 13-00987 at 3, n.5 (App. Bd. Aug. 14, 2014).

Applicant established some circumstances beyond his control – his period of unemployment, the renter and sublessee not paying rent, and his squatters – that contributed to his financial delinquencies. These circumstances began in March 2020, when his renter stopped paying, and continued until June 2025, when his house was sold. As of the close of the record, Applicant had resolved his mortgage account (SOR ¶ 2.b.) and has nearly completed payments on another account (SOR ¶ 2.d.). His dispute has reduced his water bill from \$3,599 to \$170 (SOR ¶ 2.g.). His delinquent balances have been reduced from \$221,000 to \$26,000 (an 88% reduction).

Applicant's debt-resolution efforts and grasp of his accounts have been imperfect, as he claimed to have resolved three debts through the CCF (SOR ¶¶ 2.a., 2.e., and 2.f.) without any corroborating evidence. He would benefit from some financial counseling to

help guide his efforts to resolve his remaining delinquent debts and reduce his monthly expenses. Notwithstanding some missteps or misunderstandings regarding his accounts, he has established over 44 monthly payments to the CCF, pre-dating his e-QIPs, and the resolution of several unalleged accounts. He spent years in court proceedings to remove the squatters from his rental property and sell the property. This track record of payments is significant evidence in mitigation. AG ¶¶ 20(b) and 20(d) apply.

Notwithstanding the collection agency's correspondence that the delinquent rent account (SOR ¶ 2.c.) may be fraud or identity theft, the record evidence clearly established this delinquent debt. AG ¶ 20(e) does not apply to SOR ¶ 2.c. Applicant did successfully dispute the water bill, and the balance was reduced. AG ¶ 20(e) applies as to SOR ¶ 2.g.

Applicant has not established payment agreements for all of his accounts, largely because his limited financial means prevent him from addressing all of his debt simultaneously. He expressed his intent to continue to address and resolve these accounts, in effect one-at-a-time, through the CCF. The Appeal Board has held that an applicant is not required to have resolved or to be actively paying on all of his accounts. He has demonstrated a track record of financial responsibility, and his debt-resolution efforts are not measured against a standard of perfection. He mitigated the financial considerations security concerns.

### **Whole-Person Concept**

Under the whole-person concept, the administrative judge must evaluate an applicant's eligibility for access to classified information 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 the facts and circumstances surrounding this case. I have incorporated my comments under Guideline F, Guideline E, and the factors in AG ¶ 2(d) in this whole-person analysis.

Applicant encountered circumstances beyond his control – the pandemic, non-paying renters, squatters, and a period of unemployment – that contributed both to his employment separation and his financial delinquencies. Since his October 2021 separation, he has been gainfully employed for four years. His supervisors praise his punctuality, judgment, work ethic, and work performance. The resolution of his financial delinquencies has proceeded slowly, largely due to the squatters and his limited financial means. More recently, he has also been required to pay \$1,800 monthly in child support. Nonetheless, he has maintained monthly debt payments for nearly four years.

I am convinced that Appellant is sincere about his intent to resolve his financial delinquencies, and he has steadfastly worked with the CCF to resolve his debts one-at-a-time. It will take time, but I believe that he will eventually resolve his financial issues. Applicant mitigated the personal conduct and financial considerations security concerns.

### **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 E:	FOR APPLICANT
Subparagraphs 1.a.-1.g.:	For Applicant
Paragraph 2, Guideline F:	FOR APPLICANT
Subparagraphs 2.a.-2.h.:	For Applicant

### **Conclusion**

In light of all of the circumstances presented by the record in this case, I conclude that it is clearly consistent with the national interest to grant Applicant's eligibility for access to classified information.

Eric H. Borgstrom  
Administrative Judge