



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



In the matter of:

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ISCR Case No. 24-02289

Applicant for Security Clearance

Appearances

For Government: Erin Thompson, Department Counsel

For Applicant: *Pro se*

03/16/2026

Decision

LOKEY ANDERSON, Darlene D., Administrative Judge:

Statement of Case

On June 11, 2025, the Department of Defense (DoD) issued a Statement of Reasons (SOR) to Applicant detailing security concerns under Guideline F, Financial Considerations; Guideline J, Criminal Conduct; Guideline I, Psychological Conditions; and Guideline E, Personal Conduct. The action was taken under Executive Order (EO) 10865, *Safeguarding Classified Information within Industry* (February 20, 1960), as amended; Department of Defense Directive 5220.6, *Defense Industrial Personnel Security Clearance Review Program* (January 2, 1992), as amended (Directive); and the adjudicative guidelines (AG) effective for cases after June 8, 2017.

Applicant, in an undated answer to the SOR, requested a hearing before an administrative judge. The case was assigned to me on September 10, 2025. The Defense Office of Hearings and Appeals (DOHA) issued a notice of hearing on November 19, 2025, and the hearing was convened as scheduled on January 27, 2026. The

Government offered twelve exhibits, referred to as Government Exhibits 1 through 12, which were admitted without objection. The Applicant offered eight exhibits, referred to as Applicant's Exhibits A through H, which were admitted without objection. Applicant also testified on his own behalf. The record remained open until close of business on February 3, 2026, to allow the Applicant the opportunity to submit supporting documentation. Applicant submitted one Post-Hearing Exhibit, referred to as Applicant's Post-Hearing Exhibit A, which was admitted without objection. DOHA received the transcript of the hearing (Tr.) on February 9, 2026.

Findings of Fact

Applicant, who is 35 years old, is married with three children. Applicant has a Bachelor's degree in Computer Science. He holds the position of Senior Data Analyst with a defense contractor. A security clearance is required in connection with his employment. Applicant began working for his current employer in February 2017.

Guideline F - Financial Considerations

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

The SOR alleged that Applicant is indebted to one creditor for a debt that was charged-off totaling approximately \$19,902. In his answer, Applicant denies the allegation. Credit reports of the Applicant dated April 12, 2024; and May 1, 2025, confirm that the debt listed in the SOR was at one time owing. (Government Exhibits 3 and 4.)

1.a. Applicant is indebted to a creditor for an account that was charged off in the approximate amount of \$19,902. This was an auto loan account Applicant acquired in 2017, in Puerto Rico, where he lived at the time. Two weeks after he purchased the car, he was involved in a multi-car accident. The car was totaled before any payments could be made. Applicant stated that he had regular and gap insurance on the car that should have covered all of the damage. However, Applicant's insurance company deemed him responsible for the car accident, and they refused to cover his car. Applicant explained that he was the third car in a chain of cars damaged as a result of the accident, and he was blamed for it. No one was injured, but another car was also totaled.

Applicant stated that he had the car for a two-year period following the accident. During that time, from 2017 through 2019, he made monthly payments of \$100 on the vehicle. He stopped making these monthly payments when the bank closed his bank account without his permission. He stated that he tried to negotiate with the bank to resolve the debt prior to selling the vehicle. The bank offered to settle the account for \$9,000, but Applicant sold the vehicle for about \$5,000, and he did not want to make up

the difference to settle the matter. Applicant has no intention to resolve the debt, and it has now fallen off of his credit report. (Tr. pp. 26-38, and 84-86.)

Applicant explained that he has always been financially responsible. He stated that he has a practice of always paying his bills on time and living within his means. His most recent credit report shows a consistent pattern of systematic and timely payment of accounts with an overall credit score of 743. (Tr. p. 36, and Applicant's Post-Hearing Exhibit A.) He stated that he has no delinquent debts. He recently purchased a house which has been his long-time goal. (Tr. p. 38.)

Guideline J - Criminal Conduct

The Government alleged that Applicant is ineligible for a clearance because he has engaged in criminal activity that creates doubt about a person's judgment, reliability, and trustworthiness. By its very nature, it calls into question a person's ability or willingness to comply with laws, rules, and regulations.

Applicant stated that he was raised in the projects. He was a foster child, and had to navigate his life on his own since the age of 17. His mother is now deceased, and he has no contact with his father. Neither of his parents had any financial education that they could pass on to him. He always wanted to be part of a family and have something to call his own. (Tr. p. 38.)

In 2008, at the age of 17, looking for direction, guidance, a learning environment for a career, and a family he never had, right out of high school, Applicant joined the active-duty U.S Army. He served as a satellite operator for almost four years before his separation in 2012. He was separated due to concern for his diagnosis of depressive disorder/suicidal attempts. Applicant is a decorated soldier, who has received a number of awards and commendations including the Army Commendation Medal; Army Good Conduct Medal, (2nd award); the National Defense Service Medal; Afghanistan Campaign Medal, with Two Campaign Stars; Global War on Terrorism Service Medal; Non-Commissioned Officer Professional Development Ribbon; Army Service Ribbon; and others. It is also noted that he served in a designated imminent danger pay area service in Afghanistan. For this he received the Army Service Ribbon Overseas and the NATO Medal. He received an honorable discharge. He is rated at a 10 percent disability. (Applicant's Exhibit H.)

2.a. On November 27, 2011, Applicant received an Article 15 for assaulting an NCO. It was alleged that he grabbed and twisted the NCO's fingers and arm. His punishment included a rank reduction to Private First Class, forfeiture of \$455 pay (suspended), 14 days of extra duty and 14 days of restriction. Applicant accepted a nonjudicial punishment in lieu of going to a court martial. In looking back on the situation, he believes that he should have gone to a court martial because he had a very strong case. This is Applicant's only disciplinary action in the military or in civilian life. (Tr. pp. 39-40, and 48.)

Applicant explained that at the time of the incident, he was prescribed certain medications for his depressive disorder. He was also having problems with insomnia which exacerbated his mental state since he was not able to sleep. His commander and all of his supervisors were well aware that he was taking medication to help him sleep. On the particular day in question, Applicant was late for formation, which was not unusual for him. He arrived at the office to explain why he was late, and the NCO, or acting commander, (who was a sergeant, and not his direct-line supervisor), did not believe Applicant's story that he had overslept due to his sleeping medication, but thought that he was abusing his medication. Applicant told the NCO that he was not abusing his medication. Applicant stated that the NCO became so upset, he assaulted the Applicant. He choked the Applicant, punched him in the face, and then claimed that Applicant assaulted him. Applicant stated that he was physically overwhelmed and shocked by the NCO's conduct. Applicant said that the only thing he did was scream for help at the top of his lungs. Applicant stated that he was no match for the acting commander, who was almost three times his size, weighed about 300 pounds, and was much taller than the Applicant. Applicant weighed about 125 pounds at the time. Applicant stated that he never hit the NCO, nor did he grab or twist his finger. Furthermore, evidence shows that as a result of the altercation, Applicant sustained injuries to his neck and a mark on his face as the victim of an assault. The NCO had no injuries. (Tr. pp. 39-47.)

Applicant stated that he accepted the Article 15 because he did not want any more problems. He wanted very badly to stay in the military. He had already been put through multiple reviews of his mental state. The Army for him was the family that he never had, and he joined with the intention of doing 30 years. He had hoped that his depression would improve and that he would be able to continue his military service. (Tr. p. 46.)

Guideline – Psychological Conditions

The Government alleged that Applicant is ineligible for a clearance because he has certain emotional, mental, and personality conditions that can impair judgment, reliability, or trustworthiness.

3.a., 3.b., 3.c. In November 2010, February 2011, and two other periods between 2010 and 2011, Applicant was involuntarily hospitalized following suicide attempts. Applicant explained that these were not separate incidents, but a collection of incidents which were part of the same episode of Depression/Personality Disorder he was experiencing at the time. (Government Exhibit 5, Government Exhibit 6, Government Exhibit 7, and Tr. p. 50.)

Applicant stated that his depressive disorder was triggered by an event that occurred while he deployed to Afghanistan. On December 31, 2009, while deployed to Afghanistan, a person was murdered right outside of Applicant's housing area on base. He explained that he was in his assigned area when he heard screaming and yelling immediately outside of his sleeping area. He told his team that he thought someone was outside partying, starting the New Year's Eve Celebration early. Following that, a big alarm sounded, and the base was placed on lockdown. Applicant went outside and

started cleaning a trash can, and some items that were directly in front of his sleeping quarters. Applicant did this without knowing that an assault and murder had occurred right outside his sleeping quarters where the trash can and other items that he had cleaned were located. He unknowingly interfered and altered the evidence that was present at the time the assassination occurred. He blames himself for the fact that the murder to this day has not been resolved. Applicant later learned that someone had been screaming for help, had been stabbed in the back, and died from a punctured lung right outside his barracks. The person died 30 minutes after Applicant learned that the person was being flown to the airbase for medical treatment. Since Applicant returned from his deployment in Afghanistan, he has suffered from depression. (Tr. pp. 51-54.)

Following the incident, Applicant's drinking became excessive. He was an alcoholic, and drinking impaired his medication for his depressive disorder. He did not tell the military medical professionals for fear that it would cause him more problems. He stated that he kept to himself about this matter because he did not want more problems. Applicant explained that he was introduced to alcohol in the military and he was expected to drink. He also explained that it was "a big taboo" in the military at that time if a person had PTSD or was sick in general, so he tried not to complain. He was proud to be in the military, and he wanted to stay in the military, so he did not tell anyone about his issues. He also stated that a person who did not drink was looked down upon in the military and were bullied. (Tr. p. 114.)

In 2010, after his first suicide attempt, Applicant was formally diagnosed with depression. He explained that all of his suicide attempts occurred when he was alone in the barracks. The first time, he took a whole bunch of pills (antibiotics for malaria). The second time, he took a mixture of chlorine bleach and toilet bowl cleaner that made him so sick it burned his lungs. Applicant was also under the influence of alcohol at the time of his suicide attempt. (Applicant's Exhibit E.) The two other occasions occurred while the Army was starting the process to separate him, which made him more depressed. (Applicant's Exhibit G.) Between 2010 and 2011, Applicant felt like no one really cared about him getting better, and that his commander was more concerned that he would kill himself, and it would reflect poorly on his commander. Following his first suicide attempt, Applicant was prescribed 4 or 5 different medications for his depression, and it took time to adjust to the medication. (Tr. p. 54-65.)

3.d., and 3.e. Applicant's Army Report of Mental Status Evaluation dated February 22, 2011, indicates that he was diagnosed with Depression (NOS) not otherwise specified, and Personality Disorder (NOS). Applicant has not taken any psychotropic medication for over ten years, and is not currently receiving treatment for either of his past conditions. (Tr. p. 64.)

In 2012, against his wishes, Applicant was separated from the military. He received an honorable discharge, and a 10 percent disability rating. He stated that he has never been back to the Veteran's Administration (VA) Hospital because he feels that they failed him. (Tr. p. 69.)

Applicant stated that he has not received any mental health counseling since leaving the military for various reasons. First, he did not find the little treatment he did receive to be very helpful. Second, he has not experienced any episodes of the crisis magnitude that he did when he was in the military. He does not hide his depressive disorder from anyone. He has had stressful situations since then, especially when his mother and sister passed away in 2019, but with the support from his wife and family, he has been able to navigate through those times without a crisis. He explained that he is a very different person now. In the military he was an alcoholic that everyone knew about and just ignored. He stated that he has been sober for the past thirteen years. He stopped drinking alcohol, and no longer smokes cigarettes. He now has a clear head and can seek help from family and friends if he needs to. He has opened up to his family and friends about his past mental health issues. He has established a good support system that works for him. He admits that he becomes depressed from time to time, and struggles with that condition, but now knows how to properly handle it, and where to go if he needs to get help. Applicant has had no suicide attempts or serious mental health episodes since his time in the military between 2010 and 2011.

Guideline E – Personal Conduct

The Government alleged that Applicant is ineligible for a clearance because he has engaged in conduct involving 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.

4.a. The Government alleges that Applicant provided false information to an investigator during his subject interview on April 24, 2024, concerning the incident on September 13, 2011, resulting in his Article 15 for assaulting a Non-commissioned officer (NCO).

4.c. As discussed above under 2.d., Applicant explained that on September 13, 2011, he failed to show up on time for formation. He went to the orderly office to report his situation. He told the NCO that he had taken his prescribed medication and woke up late. Applicant was asked why he was taking the pills, and he handed the NCO the bottle. Applicant had been given a 3-day supply from the clinic to hold him over until he could see the doctor the following week for a refill. The pills were put in a bottle that had an expired prescription date on it. The NCO saw the old bottle with the expired prescription and accused the Applicant of abusing his medication. The NCO placed the Applicant's medication on a desk, and when Applicant reached for it, the NCO punched him and choked him. The NCO then sat on Applicant's back and had someone else hold his legs down until the police arrived. (Tr. pp. 118-128.)

The evidence in the record is mixed and the truth lies somewhere in the middle. Since this event happened so long ago, about fifteen years ago, and Applicant's explanation of the events concerning the altercation remain consistent, his version of the incident seems plausible. When Applicant grabbed his pill bottle to leave, and the NCO tried to prevent him from reaching it, there was some physical contact. Applicant stated

that by no means did he ever strike or hit the NCO in any way, at any time, nor did he by grabbing and twisting his fingers and arm. The NCO punched Applicant multiple times and choked him. Applicant initially stated that he did not have physical contact with the NCO, interpreting that to mean that he did not strike or injure him. Applicant admitted to the investigator during his subject interview that his hands did touch the NCO at some point. Applicant also told the responding police officer that after the NCO refused to hand his pill bottle back to him, he put his hands on him in an attempt to retrieve the bottle, but he did not hit or strike the NCO at any time. Applicant did not provide false information to the investigator during his subject interview on April 24, 2024.

4.b. During Applicant's subject interview on April 24, 2024, he stated that since 2019 he has refused to pay his debt owed to USAA "out of spite" because USAA closed his bank account. (Government Exhibit 2.) He stated that he was making minimum payments on the debt until they closed his bank account. He then made an effort to settle the debt, but an agreement could not be reached. He stated that he was joking when he used the word, "spite," during his subject interview. This was not a joking matter. Applicant owed the creditor close to \$20,000, and he did not pay the debt. His conduct was negligent, immature, inappropriate, and shows poor judgment.

There is also evidence that shows that Applicant has improved his credit score, which is now 743. He has \$79,000 in his retirement account, and is currently saving 10 percent of his pre-tax income. He has also recently purchased a house.

4.d. As previously discussed in detail above under Guideline I, in January 2012, Applicant was administratively separated from the U.S. Army because of his suicide attempts/depressive disorder set forth above. (Government Exhibit 8, and Government Exhibit 12.) Applicant stated that Army Regulation 635-200, Chapter 5-17, states that a soldier could be separated from service based on acts such as "suicide attempts". This regulation was used to justify his separation from the Army. Applicant notes that this Chapter no longer exists within the current Army Regulations and is no longer a basis for separation. Applicant also notes that he was separated for having a depressive disorder which according to the Army is not a disability. (Applicant's Answer to SOR.)

Applicant's annual performance appraisals for 2017 through 2026, reflect his overall dedication, problem solving skills, and commitment to process improvement that have yielded tangible benefits. He has progressively improved in every area of job performance. He is considered a hard worker, who has gone above and beyond to provide outstanding assistance and support to the entire surveyor team on certain assignments. His accomplishments demonstrate his value to the team and he has positioned the organization for continued success. (Applicant's Post-Hearing Exhibit A.)

Three letters of recommendation from Applicant's Direct Line Supervisor; his Next Line Supervisor; and his Second Line Supervisor, collectively indicate that Applicant is an exceptional employee and a valuable member of the team who requires minimal supervision. One of his greatest strengths is honesty and integrity. He is transparent and forthcoming in all interactions. He consistently demonstrates a strong sense of

responsibility, trustworthiness, commitment, and dedication to his work obligations. He is said to make excellent decisions using good judgment in both his personal and professional life. Regarding his mental health, they have witnessed Applicant proactively seeking support and resources when he needs them. He has reached out to them and other members of the management team at work for guidance and support, demonstrating a willingness to prioritize his well-being and seek help when necessary. In their opinion, Applicant shows a high level of awareness and a commitment to maintaining good mental health. They each highly recommend the Applicant for a security clearance. (Applicant's Exhibits A, B, and C.)

Policies

When evaluating an applicant's suitability for national security eligibility, the administrative judge must consider the adjudicative guidelines (AG). In addition to brief introductory explanations for each guideline, the adjudicative guidelines list potentially disqualifying conditions and mitigating conditions, which are to be used in evaluating an applicant's eligibility for access to classified information.

These guidelines are not inflexible rules of law. Instead, recognizing the complexities of human behavior, administrative judges apply the guidelines in conjunction with the factors listed in AG ¶ 2 describing the adjudicative process. The administrative judge's overarching adjudicative goal is a fair, impartial, and commonsense decision. The entire process is a conscientious scrutiny of a number of variables known as the whole-person concept. The administrative judge must consider all available, reliable information about the person, past and present, favorable and unfavorable, in making a decision.

The protection of the national security is the paramount consideration. AG ¶ 2(b) requires that "[a]ny doubt concerning personnel being considered for national security eligibility will be resolved in favor of the national security." In reaching this decision, I have drawn only those conclusions that are reasonable, logical and based on the evidence contained in the record. Likewise, I have avoided drawing inferences grounded on mere speculation or conjecture.

Under Directive ¶ E3.1.14, the Government must present evidence to establish controverted facts alleged in the SOR. Under Directive ¶ E3.1.15, the applicant is responsible for presenting "witnesses and other evidence to rebut, explain, extenuate, or mitigate facts admitted by the applicant or proven by Department Counsel." The applicant has the ultimate burden of persuasion to obtain a favorable clearance decision.

A person who seeks access to classified information enters into a fiduciary relationship with the Government predicated upon trust and confidence. This relationship transcends normal duty hours and endures throughout off-duty hours. The Government reposes a high degree of trust and confidence in individuals to whom it grants access to classified information. Decisions include, by necessity, consideration of the possible risk the applicant may deliberately or inadvertently fail to safeguard classified information.

Such decisions entail a certain degree of legally permissible extrapolation as to potential, rather than actual, risk of compromise of classified information.

Section 7 of EO 10865 provides that adverse decisions shall be “in terms of the national interest and shall in no sense be a determination as to the loyalty of the applicant concerned.” See *also* EO 12968, Section 3.1(b) (listing multiple prerequisites for access to classified or sensitive information).

Analysis

Guideline F - Financial Considerations

The security concern for Financial Considerations is set out in AG ¶ 18:

Failure to live within one's means, satisfy debts, and meet financial obligations may indicate poor self-control, lack of judgment, or unwillingness to abide by rules and regulations, all of which can raise questions about an individual's reliability, trustworthiness, and ability to protect classified or sensitive information. Financial distress can also be caused or exacerbated by, and thus can be a possible indicator of, other issues of personnel security concern such as excessive gambling, mental health conditions, substance misuse, or alcohol abuse or dependence. An individual who is financially overextended is at greater risk of having to engage in illegal or otherwise questionable acts to generate funds. Affluence that cannot be explained by known sources of income is also a security concern insofar as it may result from criminal activity, including espionage.

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

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

Applicant entered into a contract for an auto loan, and he failed to pay the debt. 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 owes almost \$20,000 for a car loan he obtained in Puerto Rico. It is unfortunate that the car was totaled in a multi-car accident shortly after he purchased the car. However, Applicant remains obligated under the loan contract to pay the debt. This is a major debt, and Applicant has refused to pay it. Applicant claims that his insurance company failed to pay his claims and found him at fault for the accident. He stated that he tried to return the car, and squabbled with the insurance company for some time. He eventually sold the car for \$5,000, and did not settle with the creditor. Applicant has no intention of resolving this major debt. The debt has now fallen off of his credit report.

Applicant has simply failed to pay the debt for no good reason. He obtained the car loan, and it is his responsibility to pay the debt, but he has chosen not to do so. Although the debt may be old, Applicant still does not want to pay it even though he obviously has the ability to do so. This shows immaturity, poor judgment, unreliability, and untrustworthiness. Under the particular facts, Applicant has failed to mitigate the Financial Considerations security concern.

Guideline J, Criminal Conduct

The security concern relating to the guideline for Criminal Conduct is set out in AG ¶ 30:

Criminal activity creates doubt about a person's judgment, reliability, and trustworthiness. By its very nature, it calls into question a person's ability or willingness to comply with laws, rules and regulations.

AG ¶ 31 describes conditions that could raise a security concern and may be disqualifying. One is potentially applicable:

(a) evidence (including, but not limited to, a credible allegation, an admission, and matter of official record) of criminal conduct, regardless of whether the individual was formally charged, prosecuted or convicted.

The guideline at AG ¶ 32 contains conditions that could mitigate security concerns. Two of the conditions are applicable:

(a) so much time has elapsed since the criminal behavior happened, or it happened under such unusual circumstances, that it is unlikely to recur and does not cast doubt on the individual's reliability, trustworthiness, or good judgment; and

(d) there is evidence of successful rehabilitation; including, but not limited to, the passage of time without recurrence of criminal activity, restitution, compliance with the terms of parole or probation, job training or higher education, good employment record, or constructive community involvement

About fifteen years ago, while serving in the U.S. Army, Applicant received an Article 15, for Assaulting an NCO. Applicant has no other disciplinary actions or violations of the law during his military service, or as a civilian since then. This incident occurred during a period when he was suffering from depression and self-diagnosed PTSD, and had been prescribed a number of new medications. The facts surrounding this incident are controverted. Given the time that has passed since this incident, and the fact that Applicant has violated no military or civilian laws or regulations since then, this was an isolated incident that will not be repeated. Applicant has mitigated the criminal conduct security concern.

Guideline I – Psychological Conditions

The security concern relating to the guideline for Psychological Conditions is set out in AG ¶ 27:

Certain emotional, mental, and personality conditions can impair judgment, reliability, or trustworthiness. A formal diagnosis of a disorder is not required for there to be a concern under this guideline. A duly qualified mental health professional (e.g., clinical psychologist or psychiatrist) employed by, or acceptable to and approved by the U.S. Government, should be consulted when evaluating potentially disqualifying and mitigating information under

this guideline and an opinion, including prognosis, should be sought. No negative inference concerning the standards in this guideline may be raised solely on the basis of mental health counseling.

The guideline at AG ¶ 28 contains five conditions that could raise a security concern and may be disqualifying. Four conditions are strongly established in this case:

- (a) behavior that casts doubt on an individual's judgment, stability, reliability, or trustworthiness, not covered under any other guideline and that may indicate an emotional, mental, or personality condition, including, but not limited to, irresponsible, violent, self-harm, suicidal, paranoid, manipulative, impulsive, chronic lying, deceitful, exploitative, or bizarre behaviors;
- (b) an opinion by a duly qualified mental health professional that the individual has a condition that may impair judgment, stability, reliability or trustworthiness;
- (c) voluntary or involuntary inpatient hospitalization; and
- (d) failure to follow a prescribed treatment plan related to a diagnosed psychological/psychiatric condition that may impair judgment, stability, reliability, or trustworthiness, including but not limited to, failure to take prescribed medication or failure to attend required counseling sessions.

About fifteen years ago, in 2010/2011, after an assassination took place right outside his sleeping quarters while deployed in Afghanistan, while serving in the U.S. Army, Applicant was diagnosed with a depressive disorder. Upon his return from Afghanistan, he tried to commit suicide on four separate occasions before he was separated from the military. The evidence is sufficient to raise the above disqualifying conditions.

The guideline at AG ¶ 29 contains five conditions that could mitigate security concerns:

- (a) the identified condition is readily controllable with treatment, and the individual has demonstrated ongoing and consistent compliance with the treatment plan;
- (b) the individual has voluntarily entered a counseling or treatment program for a condition that is amenable to treatment, and the individual is currently receiving counseling or treatment with a favorable prognosis by a duly qualified mental health professional;
- (c) recent opinion by a duly qualified mental health professional employed by, or acceptable to and approved by the U.S. Government that an

individual's previous condition is under control or in remission, and has a low probability of recurrence or exacerbation;

(d) the past psychological/psychiatric condition was temporary, the situation has been resolved, and the individual no longer shows indications of emotional instability; and

(e) there is no indication of a current problem.

Following the assassination, Applicant was diagnosed with depressive disorder. Since separating from the military in 2012, he has not sought out treatment or other medications for his depressive disorder, nor has he had any further suicidal episodes or any other indications of mental instability. Fifteen years has passed, his mental health is and has been stable, and his past mental health conditions, if properly diagnosed are no longer evident. There are no indications of any problem that may hinder his ability to sufficiently protect sensitive or classified information. His conduct shows emotional and behavioral stability. Applicant has mitigated the psychological conditions security concern.

Guideline E - Personal Conduct

The security concern for the personal conduct 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 information. Of special interest is any failure to provide truthful and candid answers during the security clearance process or any other failure to cooperate with the security clearance process.

AG ¶ 16 describes conditions that could raise a security concern and may be disqualifying. The following disqualifying conditions are potentially applicable:

(b) deliberately providing false or misleading information; or concealing or omitting information, concerning relevant facts to an employer, investigator, security official, competent medical or mental health professional involved in making a recommendation relevant to a national security eligibility determination, or other official government representative; and

(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.

AG ¶ 17 provides conditions that could mitigate security concerns. I have considered each of the mitigating conditions below:

- (a) the individual made prompt, good-faith efforts to correct the omission, concealment, or falsification before being confronted with the facts;
- (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;
- (d) the individual has acknowledged the behavior and obtained counseling to change the behavior or taken other positive steps to alleviate the stressors, circumstances, or factors that contributed to untrustworthy, unreliable, or other inappropriate behavior, and such behavior is unlikely to recur;
- (e) the individual has taken positive steps to reduce or eliminate vulnerability to exploitation, manipulation, or duress;
- (f) the information was unsubstantiated or from a source of questionable reliability; and
- (g) association with persons involved in criminal activities was unwitting, has ceased, or occurs under circumstances that do not cast doubt upon the individual's reliability, trustworthiness, judgment, or willingness to comply with rules and regulations.

Applicant did not deliberately provide false information to the investigator during his subject interview about what happened during the encounter with the NCO.

Applicant's four suicide attempts between 2010 and 2011, while serving in the U.S. Army were concerning. He was diagnosed with depressive disorder and personality disorder, and was administratively separated from the Army due to his suicide attempts. Since then, fifteen years have passed without incident. Although he has not received treatment for his diagnosis since leaving the military, the evidence shows that he has learned how to address his disorder without conventional psychotropic medication. He has established a support group around him that he discusses his concerns with if he needs help. For the past fifteen years, he has not had any episodes that warrant doing anything differently.

On the other hand, since 2019, Applicant has refused to pay a debt he owes to a creditor, "out of spite," because the creditor closed his bank account. His statement to the investigator may have been meant to be a joke, but it is not a funny one. Applicant has failed to pay a valid, major debt, and he has no intention to resolve it. This action

shows extreme poor judgment, immaturity, unreliability, and untrustworthiness. Applicant has failed to mitigate the personal conduct security concern.

Whole-Person Concept

Under the whole-person concept, the administrative judge must evaluate an applicant's eligibility for a security clearance by considering the totality of the applicant's conduct and all relevant circumstances. The administrative judge should consider the nine adjudicative process factors listed at AG ¶ 2(d):

- (1) the nature, extent, and seriousness of the conduct;
- (2) the circumstances surrounding the conduct, to include knowledgeable participation;
- (3) the frequency and recency of the conduct;
- (4) the individual's age and maturity at the time of the conduct;
- (5) the extent to which participation is voluntary;
- (6) the presence or absence of rehabilitation and other permanent behavioral changes;
- (7) the motivation for the conduct;
- (8) the potential for pressure, coercion, exploitation, or duress; and
- (9) the likelihood of continuation or recurrence.

Under AG ¶ 2(c), the ultimate determination of whether to grant eligibility for a security clearance must be an overall commonsense judgment based upon careful consideration of the guidelines and the whole-person concept.

I considered the potentially disqualifying and mitigating conditions in light of all relevant facts and circumstances surrounding this case. Applicant owes a major debt of almost \$20,000 for an auto loan that he has refused to pay. Instead of paying it, he allowed it to fall off of his credit report. His judgment here is questionable. Accordingly, I conclude Applicant has mitigated the Criminal Conduct security concern; and the Psychological Conditions security concern. He has failed to mitigate the Financial Considerations security concern, and the Personal Conduct security concern.

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
Subparagraph 1.a.	Against Applicant
Paragraph 2, Guideline H:	FOR APPLICANT
Subparagraph 2.a.	For Applicant
Paragraph 3, Guideline J:	FOR APPLICANT

Subparagraphs 3.a. through 3.e.	For Applicant
Paragraph 4, Guideline E:	AGAINST APPLICANT
Subparagraphs 4.a. , 4.c., and 4.d.	For Applicant
Subparagraph 4.b.	Against Applicant

Conclusion

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

Darlene Lokey Anderson
Administrative Judge