



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



In the matter of:	)	
	)	
	)	ISCR Case No. 25-01450
	)	
Applicant for Security Clearance	)	

**Appearances**

For Government: William H. Miller, Esq., Department Counsel  
For Applicant: *Pro se*

05/05/2026

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**Decision**

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DRISKILL, A. M., Administrative Judge:

Applicant did not mitigate the security concerns under Guideline F (Financial Considerations). Eligibility for access to classified information is denied.

**Statement of the Case**

On November 25, 2025, the Department of War (DOW) issued a Statement of Reasons (SOR) to Applicant detailing security concerns under Guideline F. Applicant responded to the SOR on January 7, 2026 (Answer) and requested a decision on the written record in lieu of a hearing. The Government’s written case was submitted on January 29, 2026. A complete copy of the file of relevant material (FORM) was provided to Applicant, who was afforded an opportunity to file objections and submit material to refute, extenuate, or mitigate the security concerns. Applicant received the FORM on February 2, 2026, and he did not respond. The case was assigned to me on April 3, 2026. The Government exhibits included in the FORM (Items 3-7) are admitted in evidence without objection.

**Findings of Fact**

The SOR alleges Applicant has seven delinquent debts totaling \$53,539. He denied three of the allegations and admitted the remainder. All the allegations are

supported by Applicant's September 2024 and October 2025 credit bureau reports (CBR). (Items 6, 7)

Applicant is 36 years old. He earned an associate degree in 2016 and a bachelor's degree in 2024. He served on active duty in the Air Force from 2010 to 2011, receiving a general (under honorable conditions) discharge. He married in 2010 and divorced in 2011, and he has three minor children, each with a different mother. He was previously unemployed from June 2022 to November 2022 and from June 2024 to August 2024. He was first granted a security clearance in 2010. He has worked for his current employer since August 2024. (Items 3, 4)

Applicant reported several financial issues on his August 2024 security clearance application (SCA). He disclosed becoming delinquent on child support payments in 2020 in the amount of \$3,000 due to "jobs [sic] changes and falling behind on bills." He stated that the past-due amount was added to his current payment, and he was currently paying as agreed. He also reported \$10,000 of delinquent, unresolved credit card debt. He stated the issue began in 2023 due to attempting to start a business and not properly budgeting. He stated that his income did not allow for extra money to be used to resolve his debts and that he was covering two households until the "other member" can find work. It is unclear who he is referring to in this statement. (Item 3)

Applicant had a background subject interview (SI) with a government investigator in June 2025. He told the investigator that the child support accounts (SOR ¶¶ 1.b and 1.f) became delinquent due to lack of payment on an unrecalled date. He said that he was currently up to date on his payments but did not provide supporting documentation. In discussing his delinquent credit cards, he could not recall which cards were used in his attempt to start his own business. For the accounts alleged in SOR ¶¶ 1.a, 1.c, 1.d, and 1.e, he stated he used those accounts for personal purchases and that they became delinquent on an unknown date due to lack of payment. For the account alleged in SOR ¶ 1.g, he did not recognize the account and stated he would investigate its legitimacy and repay the account if it was a legitimate debt. The investigator gave him seven business days to provide additional information, but he did not do so. (Item 4)

In his September 2025 response to Government interrogatories, Applicant reported that he had not paid any of the listed debts. He explained that he could not afford his monthly payments due to his child support payments and bills. He stated, "I let my dreams and ideas over shadow [sic] my pockets." He stated that he had been focusing on self-control with money, and he "will work to correct the actions of my past to be seen as trustworthy." He included a personal financial statement that reflects: \$5,258 in monthly salary as well as \$4,080 and \$2,550 in "Other Income" (not explained); \$1,500 in child support; \$1,245 in car expenses; and \$1,460 paid per month toward his \$2,550 monthly mortgage payment. His net monthly remainder is \$6,613. He included a pay stub, which did not reflect any garnishments or involuntary deductions. (Item 5)

Included in Applicant's interrogatory response were three State A child support program payment agreements for past-due support corresponding to each of the three

mothers of his children, all signed by Applicant on September 17, 2025. They each reflect that the program had previously mailed Applicant notice that they intended to “take further enforcement action” and to “suspend or deny [his] driver license/motor vehicle registration” due to his child support arrearages. The agreement corresponding to SOR ¶ 1.b reported that he was \$272.52 behind in his support payments and owed \$10,736.77 in past-due support. He agreed to a new monthly payment of \$360. The agreement corresponding to SOR ¶ 1.f reported that he was \$587.85 behind in his support payments and owed \$1,295.09 in past-due support. He agreed to a new monthly payment of \$300. The unalleged third child support account agreement reported that he was \$773 behind in his support payments and owed \$23,756.14 in past-due support. He agreed to a new monthly payment of \$900. He did not provide any history of payments relating to these child support accounts. (Item 5)

In his Answer to the SOR, Applicant denied the two alleged child support accounts (SOR ¶¶ 1.b and 1.f) as well as the account he did not recognize in his SI (SOR ¶ 1.g). He did not provide an explanation for his denials, any payment records, nor any supporting documentation regarding his debts. (Item 2)

### **Policies**

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

“[N]o one has a ‘right’ to a security clearance.” *Department of the Navy v. Egan*, 484 U.S. 518, 528 (1988). As Commander in Chief, the President has the authority to “control access to information bearing on national security and to determine whether an individual is sufficiently trustworthy to have access to such information.” *Id.* at 527. The President has authorized the Secretary of War or his designee to grant applicants eligibility for access to classified information “only upon a finding that it is clearly consistent with the national interest to do so.” Exec. Or. 10865 § 2.

Eligibility for a security clearance is predicated upon the applicant meeting the criteria contained in the adjudicative guidelines. These guidelines are not inflexible rules of law. Instead, recognizing the complexities of human behavior, an administrative judge applies these guidelines in conjunction with an evaluation of the whole person. An administrative judge’s overarching adjudicative goal is a fair, impartial, and commonsense decision. An administrative judge must consider all available and reliable information about the person, past and present, favorable and unfavorable.

The Government reposes a high degree of trust and confidence in persons with access to classified information. This relationship transcends normal duty hours and endures throughout off-duty hours. Decisions include, by necessity, consideration of the possible risk that the applicant may deliberately or inadvertently fail to safeguard

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

Clearance decisions must be made “in terms of the national interest and shall in no sense be a determination as to the loyalty of the applicant concerned.” Exec. Or. 10865 § 7. Thus, a decision to deny a security clearance is merely an indication the applicant has not met the strict guidelines the President and the Secretary of War have established for issuing a clearance.

Initially, the Government must establish, by substantial evidence, conditions in the personal or professional history of the applicant that may disqualify the applicant from being eligible for access to classified information. The Government has the burden of establishing controverted facts alleged in the SOR. See *Egan*, 484 U.S. at 531. “Substantial evidence” is “more than a scintilla but less than a preponderance.” See *v. Washington Metro. Area Transit Auth.*, 36 F.3d 375, 380 (4th Cir. 1994). The guidelines presume a nexus or rational connection between proven conduct under any of the criteria listed therein and an applicant’s security suitability. See ISCR Case No. 15-01253 at 3 (App. Bd. Apr. 20, 2016).

Once the Government establishes a disqualifying condition by substantial evidence, the burden shifts to the applicant to rebut, explain, extenuate, or mitigate the facts. Directive ¶ E3.1.15. An applicant has the burden of proving a mitigating condition, and the burden of disproving it never shifts to the Government. See ISCR Case No. 02-31154 at 5 (App. Bd. Sep. 22, 2005).

An applicant “has the ultimate burden of demonstrating that it is clearly consistent with the national interest to grant or continue his security clearance.” ISCR Case No. 01-20700 at 3 (App. Bd. Dec. 19, 2002). “[S]ecurity clearance determinations should err, if they must, on the side of denials.” *Egan*, 484 U.S. at 531.

## **Analysis**

### **Guideline F, Financial Considerations**

The concern under this guideline is set out in AG ¶ 18:

Failure to live within one’s means, satisfy debts, and meet financial obligations may indicate poor self-control, lack of judgment, or unwillingness to abide by rules and regulations, all of which can raise questions about an individual’s reliability, trustworthiness, and ability to protect classified or sensitive information. Financial distress can also be caused or exacerbated by, and thus can be a possible indicator of, other issues of personnel security concern such as excessive gambling, mental health conditions, substance misuse, or alcohol abuse or dependence. An

individual who is financially overextended is at greater risk of having to engage in illegal or otherwise questionable acts to generate funds.

The evidence in the FORM, specifically the two CBRs, establish the following disqualifying conditions under this guideline:

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

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

The following mitigating conditions are potentially applicable:

AG ¶ 20(a): the behavior happened so long ago, was so infrequent, or occurred under such circumstances that it is unlikely to recur and does not cast doubt on the individual's current reliability, trustworthiness, or good judgment;

AG ¶ 20(b): the conditions that resulted in the financial problem were largely beyond the person's control (e.g., loss of employment, a business downturn, unexpected medical emergency, a death, divorce or separation, clear victimization by predatory lending practices, or identity theft), and the individual acted responsibly under the circumstances;

AG ¶ 20(d): the individual initiated and is adhering to a good-faith effort to repay overdue creditors or otherwise resolve debts; and

AG ¶ 20(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 indicated that he did not recognize the debt alleged in SOR ¶ 1.g and denied it in his Answer to the SOR. He did not provide any evidence proving he had a reasonable basis to dispute the legitimacy of the debt. AG ¶ 20(e) is not established.

Applicant provided evidence that he made payment arrangements for the child support accounts alleged in SOR ¶¶ 1.b and 1.f, but he did not provide evidence of a history of timely payments toward those accounts. Furthermore, the payment agreements indicate that he was behind on his accounts as of September 2025, and it appears that Applicant agreed to new payment arrangements only after the State threatened to take additional enforcement action and suspend his license or registration. There is insufficient evidence that Applicant is responsibly addressing his child support obligations. AG ¶ 20(d) is not established.

Applicant disclosed in his SCA, SI, and response to interrogatories that he experienced financial struggles due to a failed business attempt in 2023 and insufficient

income. All the debts remain delinquent; therefore, the financial concerns are recent and ongoing. Applicant also has a third child support account that, as of September 2025, was over \$23,000 in arrears. While this additional debt was not alleged in the SOR, it further undercuts Applicant's assertions of mitigation as his financial issues remain recent and ongoing. He has not established that his financial problems are being resolved or are under control. There is no evidence the debts arose due to circumstances unlikely to recur. He did not provide any proof of responsible action taken toward the debts, so even if they had arisen under circumstances beyond his control, they are not mitigated. AG ¶¶ 20(a) and 20(b) are not established.

### **Whole-Person Concept**

Under AG ¶ 2(c), the ultimate determination of whether to grant eligibility for a security clearance must be an overall commonsense judgment based upon careful consideration of the guidelines and the whole-person concept. In applying the whole-person concept, an administrative judge must evaluate an applicant's eligibility for a security clearance by considering the totality of the applicant's conduct and all relevant circumstances. An administrative judge should consider the nine adjudicative process factors listed at AG ¶ 2(d):

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

I have incorporated my comments under Guideline F in my whole-person analysis and applied the adjudicative factors in AG ¶ 2(d). Because Applicant requested a determination on the record without a hearing, I had no opportunity to evaluate his credibility and sincerity based on demeanor. See ISCR Case No. 01-12350 at 3-4 (App. Bd. Jul. 23, 2003). After weighing the disqualifying and mitigating conditions under Guideline F and evaluating all the evidence in the context of the whole person, I conclude Applicant has not mitigated the security concerns raised under Guideline F, financial considerations.

### **Formal Findings**

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

Paragraph 1, Guideline F:	AGAINST APPLICANT
Subparagraphs 1.a-1.g:	Against Applicant

## **Conclusion**

I conclude it is not clearly consistent with the national security interests of the United States to grant Applicant eligibility for access to classified information. Clearance is denied.

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A. M. Driskill  
Administrative Judge