DEFENSE LEGAL SERVICES AGENCY
DEFENSE OFFICE OF HEARINGS AND APPEALS

In the matter of:	)	
	)	
	)	ISCR Case No. 25-00603
	)	
Applicant for Public Trust Position	)	

Appearances

For Government:
Brian Farrell, Esquire, Department Counsel

For Applicant:
Pro se

06/29/2026

Decision

ROSS, Wilford H., Administrative Judge:

Applicant did not mitigate the security concerns under Guideline F (Financial Considerations). He did mitigate the security concerns under Guidelines J (Criminal Conduct), and E (Personal Conduct). Eligibility for access to classified information is denied.

Statement of the Case

On July 2, 2025, the Defense Counterintelligence and Security Agency (DCSA) issued a Statement of Reasons (SOR) to Applicant detailing security concerns under Guidelines F, J, and E. The action was taken 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 by the DOD on June 8, 2017.

Applicant responded to the SOR in writing (Answer) on August 8, 2025, and requested a hearing before an administrative judge. The attachments to his Answer were later admitted into evidence as Applicant Exhibits A, B, C, and D. Department Counsel was prepared to proceed on December 2, 2025. The case was assigned to me on December 18, 2025. The Defense Office of Hearings and Appeals (DOHA) issued an initial Notice of Hearing on January 14, 2026. A subsequent Notice of Hearing was issued on January 20, 2026. I convened the hearing as scheduled on April 2, 2026. The Government offered Government Exhibits 1 through 15, which were admitted into evidence without objection. At my request Department Counsel submitted an updated credit report, dated April 2, 2026. (Transcript (Tr.) 101-103.) It is admitted into evidence without objection as Government Exhibit 16. Applicant testified on his own behalf and submitted Applicant Exhibits A through G, which were admitted into evidence without objection. He asked that the record remain open until April 24, 2026, for the receipt of additional documentation. He submitted Applicant Exhibits H (automobile title regarding SOR 1.h), I (letter of recommendation), and J (dispute for SOR 1.j, proof of payment of fine for SOR 2.a) in a timely fashion, and they are admitted without objection. DOHA received the transcript of the hearing on April 13, 2026. The record closed on April 24, 2026.

Findings of Fact

Applicant is 49 years old, married, and has two children. He is a high school graduate with two years of community college. He works overseas as a pest control specialist for a defense contractor. He requires national security eligibility for his work. He served on active duty in the Navy from December 1996 to December 2000 and February 2013 to March 2014. He also served in the Naval Reserve. He received an Honorable Discharge. He held a security clearance during his time in the Navy. (Government Exhibit 1 at Sections 12, 13A, 15, 17, 18, and 25; Government Exhibit 6; Tr. 61-62.)

Paragraph 1 (Guideline F, Financial Considerations)

The Government alleges in this paragraph that Applicant is ineligible for clearance because he is financially overextended and therefore potentially unreliable, untrustworthy, or at risk of having to engage in illegal acts to generate funds. Applicant denied all the allegations in this paragraph.

Based on the available documentary evidence Applicant is alleged to owe approximately $16,661 in past-due or charged-off debts. The Government provided credit reports of Applicant dated September 1, 2011; March 2, 2023; July 22, 2023; March 6, 2024; April 15, 2025; and April 2, 2026, supporting the existence of the debts. (Government Exhibits 11, 9, 10, 8, 7, and 16.) The debts are also supported by his admissions to an authorized investigator from the Office of Personnel Management (OPM) during an interview on November 14, 2023. (Government Exhibit 5 at 16-23.)

During the November 14, 2023 interview, Applicant stated that his financial difficulties began in approximately 2020 because of the COVID-19 pandemic. The interview reflects, “Subject [Applicant] had a hard time keeping employment and the few employments either didn’t pay well or didn’t treat employees well.” (Government Exhibit 5 at 22.)

With regard to the payment of the past-due debts set forth in the SOR, Applicant indicated that he felt a moral responsibility to repay his parents approximately $16,000. As described below, Applicant was arrested in 2022 and charged with Aggravated Assault. His parents sold stock to pay for his legal expenses. Starting in 2023 he has been paying his parents $400 a month to reimburse them. It is a matter of honor with him to repay his parents before resolving other debts. He has paid down this debt to approximately $3,700. Applicant indicated that once he has paid off his parents, he intends to resolve his other debts using his salary. However, he also admitted that he had not made any attempts to resolve the debts, even though he has known of the Government’s concerns since at least 2023. (Tr. at 27-29, 97-100, 105-106.)

The current status of the debts alleged in the SOR is as follows:

1.a. Applicant denied that he owed Creditor A $3,502 for a debt placed for collection. He told the interviewer, “Subject [Applicant] does not recognize or acknowledge this debt. Subject does not know why this debt was in his name. Subject does not recall being contacted by any collector for this debt.” Applicant filed a dispute with the credit-reporting service regarding this debt. No further information is available. This debt is not resolved, but is under dispute. (Government Exhibit 5 at 21; Government Exhibit 16; Applicant Exhibit F; Tr. 103-105.)

1.b. Applicant denied that he owed Creditor B $2,929 for a debt placed for collection. He testified that he did not recognize the debt and that is why he denied it and filed a dispute with the credit-reporting service regarding this debt. The most recent credit report in the record states, “Account information disputed by consumer.” No further information is available. This debt is not resolved, but is under dispute. (Government Exhibit 5 at 21; Government Exhibit 16; Applicant Exhibit F; Tr. 106-109.) This may be the same debt as SOR 1.j, described below.

1.c. Applicant denied that he owed Creditor A $2,913 for a mobile phone debt placed for collection. He testified that he never had an account with this cellular provider. He contacted the provider and they were unable to confirm his identity. Applicant believes this is a fraudulent account. Accordingly, Applicant filed a dispute with the credit-reporting service regarding this debt. The most recent credit report in the record states, “Account information disputed by consumer.” No further information is available. This debt is not resolved, but is under dispute. (Government Exhibit 5 at 21; Government Exhibit 16; Applicant Exhibit F; Tr. 109-111.)

1.d. Applicant denied that he owed Creditor D $1,667 for a debt that was charged off. He testified that he did not recall the debt and that is why he denied it and filed a dispute with the credit-reporting service regarding this debt. The credit reports in the record do not show a dispute regarding this debt. No further information is available. This debt is not resolved. (Government Exhibit 5 at 21; Government Exhibit 16; Applicant Exhibit F; Tr. 106-109.)

1.e. Applicant denied that he owed Creditor E $1,346 for a debt placed for collection. He testified that he did recognize the debt. Documentation reflects it pertains to an automobile part that was never delivered, for which he filed a dispute with the current creditor. This debt is not resolved, but is under dispute. Due to Applicant being involved in resolving the dispute, this allegation is found for him. (Government Exhibit 16; Applicant Exhibit J; Tr. 113-118.)

1.f. Applicant denied that he owed Creditor F $1,317 for a debt placed for collection. He testified that he did not recognize the debt and that is why he denied it and filed a dispute with the credit-reporting service regarding this debt. The most recent credit report in the record states, "Account information disputed by consumer." No further information is available. This debt is not resolved, but is under dispute. (Government Exhibit 5 at 21; Government Exhibit 16; Applicant Exhibit F; Tr. 118-121.)

1.g. Applicant denied that he owed Creditor G for a past-due debt of an unknown amount. The most recent credit report in the record states, "Purchased by another lender." The new owner is named, but there is no entry from them on this credit report. The entry from Creditor G on the same credit report indicates "0" balance. The Government has failed to show that Applicant currently owes this debt. This allegation is found for Applicant. (Government Exhibit 16.)

1.h. Applicant denied that he was indebted to Creditor H for an automobile loan that was charged off and then settled for a lesser amount. He submitted documentation showing that the creditor accepted a lesser amount and forgave the remaining indebtedness. The documentation consists of an IRS Form 1099, indicating that $18,308 of the automobile loan was discharged. In addition, he provided a copy of the title showing that there are no liens on the vehicle. Applicant has resolved this debt and the allegation is found for him. (Government Exhibit 16; Applicant Exhibits F and H; Tr. 98, 123-129.)

1.i. Applicant denied that he owed the federal government $510 for a debt placed for collection. He testified that he believed the government took this out of his tax return years ago. The debt appears in the March 2023 credit report. (Government Exhibit 9.) It does not appear in any of the more recent credit reports. (Government Exhibits 7, 8, 10, and 16.) No further information is available. Based on the available information, I find the government has not proved that Applicant currently owes this debt. This allegation is found for Applicant. (Government Exhibit 5 at 21; Tr. 137-139.)

1.j. Applicant denied that Creditor B had obtained an unpaid garnishment against him in 2022. He denied any knowledge of a lawsuit or subsequent judgment. This may be the same debt as SOR 1.b, which he disputed. No further information was provided. This debt is not resolved. (Government Exhibits 14 and 16; Applicant Exhibit F; Tr. 106-109.)

Paragraph 2 (Guideline J, Criminal Conduct)

The Government alleges in this paragraph that Applicant is ineligible for clearance because he has engaged in criminal conduct that creates doubt about a person's judgment, reliability, and trustworthiness. He denied all the allegations in this paragraph of the SOR.

For ease of discussion, the allegations will be discussed in chronological order. This is different than the order set forth in the SOR.

2.m. Applicant denied in his Answer that he had been arrested in January 1996 in County One and charged with Burglary First Degree, Possession Stolen Property, and Possess/Etc Burglary Tools, due to the fact that he did not remember all the details. His FBI records show that he pleaded guilty to other charges and received a sentence of two years' probation, and 15 days in jail. He subsequently petitioned the court for a dismissal of his conviction, which was granted. (Government Exhibit 5; Government Exhibit 12; Applicant Exhibit C; Tr. 30-33.)

2.l. Applicant denied that he received non-judicial punishment in about September 1997 for a violation of Article 128, Uniform Code of Military Justice (UCMJ), Assault Consummated by a Battery; and violations of Article 134, UCMJ, for Communicating a Threat, and Drunk and Disorderly Conduct. He received 45 days extra duties and restriction. Applicant stated in response to DOHA interrogatories dated May 29, 2025, "Yes. I had started a fight after I had been drinking. This was my fault." (Government Exhibit 6 at 2.)

2.k. Applicant denied he had been arrested for being Drunk in Public in May 1998. The report of interview (ROI) of Applicant by an authorized investigator on October 28, 2011, reflects the following statement, "Regarding the 5/14/98 drunk in public charge, the Subject [Applicant] did not recall any of the details of this offense as it was too long ago, but did not think that he was cited nor went to court." There is no further information. (Government Exhibit 5 at 14.)

2.j. Applicant denied that he received non-judicial punishment in about November 1999 for a violation of Article 86, UCMJ, Absence Without Leave; Article 89, UCMJ, Disrespect Towards a Superior Commissioned Officer; and violation of Article 90, UCMJ, Disrespect to a Superior Commissioned Officer. He was reduced in rank, forfeited pay, and received 40 days extra duties and restriction. Applicant stated in response to DOHA interrogatories dated May 29, 2025:

> Yes, I believe I had been late for a curfew that had been ordered. If I remember correctly, I was in the parking lot of the pier where the ship had been docked and my wife at the time was mad that I had to return [to] the ship after a long duration at sea. I had been a few minutes late. At the time I did not have any good [rapport] with my direct leadership. Regardless, it was my fault I was late. (Government Exhibit 6 at 1.)

2.i. Applicant denied that he had been arrested in October 2001 in County One and charged with one count of Warrant, Bat, Spouse/Ex Sp/Date/Etc. This allegation is based solely on the FBI rap sheet. No further evidence is provided in the record. Based on Applicant's denial and the lack of any further corroborating evidence, I find this allegation is not proved and found for Applicant. (Government Exhibit 12.)

2.h. Applicant denied that he had been arrested in April 2002 in County One and charged with Drive, Lic Suspended/Etc, and FTA after Written Promise. No further evidence is provided in the record. Based on Applicant's denial and the lack of any corroborating evidence, I find this allegation is not proved and found for Applicant. (Government Exhibit 12.)

2.g. Applicant denied that he had been arrested in June 2002 in County One and charged with one count of Burglary, Second Degree and one count of Possess Burglary Tools. This allegation is based solely on the FBI rap sheet. There is no evidence as to the disposition of this case. Based on Applicant's denial and the lack of any further corroborating evidence, I find this allegation is not proved and found for Applicant. (Government Exhibit 12.)

2.f. Applicant denied that he had been arrested in November 2002 in County One and charged with one count of Burglary, and one count of Tamper With Vehicle. This allegation is based solely on the FBI rap sheet. There is no evidence as to disposition of this case. Based on Applicant's denial and the lack of any further corroborating evidence, I find this allegation is not proved and found for Applicant. (Government Exhibit 12.)

2.e. Applicant denied that he had been arrested in February 2003 in County Two and charged with one count of Bat, Spouse/Ex Sp/Date/Etc. This allegation is based solely,on the FBI rap sheet. No further evidence is provided in the record. Based on Applicant's denial and the lack of any further corroborating evidence, I find this allegation is not proved and found for Applicant. (Government Exhibit 12.)

2.c and 2.d. Applicant denied in his Answer that he had been arrested in November 2003 in County Two and charged with three counts of Burglary, First Degree. Records show that he was arrested for the charge as alleged. He was convicted in January 2004 and sentenced to one year in jail, probation, and a fine. He subsequently petitioned the court in 2016 for a dismissal of his convictions, which was granted. (Government Exhibit 5 at 5; Government Exhibit 12; Applicant Exhibits B and D; Tr. 30-33.)

2.b. A criminal complaint was issued to Applicant by County Three in September 2016 for Felon/Addict Possess/Etc Firearm. Specifically, the complaint stated that he was ineligible to possess a firearm because of his felony conviction in May 2004 in County Two. (Government Exhibit 15.) Applicant denied this allegation, stating that he had legally purchased the weapon after his felony conviction had been dismissed by the court, as shown in Applicant Exhibit D. As a result of his showing that paperwork in the County Three court, the judge in this case also dismissed the complaint. This allegation is found for Applicant. (Tr. 80-96.)

2.a. In August 2022 Applicant was involved in a physical altercation with two individuals who he felt were a danger to his family because of their conduct. Applicant chased and caught one of them, who happened to be a female juvenile. They had a physical altercation and Applicant admitted hitting her. Both Applicant and the other party called the police, who arrived and arrested Applicant. He was subsequently charged with Aggravated Assault. After a jury trial he was acquitted of the charge of Aggravated Assault but convicted of the lesser-included offense of Assault. The adjudged sentence included 45 days in jail and a fine of $907.50. Applicant paid the fine after the hearing. Applicant admitted that he overreacted to the situation involving the two individuals. (Government Exhibit 5 at 17-18; Government Exhibit 13; Applicant Exhibit J; Tr. 26-28, 34-80, 99-100.)

Paragraph 3 (Guideline E, Personal Conduct)

The Government alleged in this paragraph of the SOR that Appellant is ineligible for clearance because he has engaged in actions that involve questionable judgment, lack of candor, dishonesty, and unwillingness to comply with rules and regulations.

3.a The Government alleges that this guideline also applies to the conduct described under paragraph 2., above. Applicant denied this allegation.

Mitigation

Applicant’s military career, while not unblemished, was successful. He received an Honorable Discharge, a Navy and Marine Corps Achievement Medal, and other commendations. He was recalled to active duty in 2013 and spent a year in Djibouti. He received several commendations for his conduct during that deployment. (Government Exhibit 6; Applicant Exhibits A, E, and G.)

Applicant's supervisor submitted a very laudatory letter of recommendation. In it, he states Applicant "has demonstrated exceptional professionalism, discipline, and commitment to mission execution." (Applicant Exhibit I.)

Applicant testified:

> I've tried to be better. Like I know when I was in the Active Duty, I wasn't the best Service Member. And, I know when I got out of the Active Duty, I wasn't the best citizen. But, I want to say I've tried to be better. I've tried to do things the right way. And, sometimes it doesn't happen that way. And, I've tried to have my good days and bad days like everybody else. I've learned a lot. And I try to help people.
>
> . . .
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> So, I've tried to help people as much as I could. So, I know that I do have a criminal history, but I've tried to be better. And, I've tried to be the best employee my employers have. (Tr. 141.)

Policies

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

These guidelines are not inflexible rules of law. Instead, recognizing the complexities of human behavior, these guidelines are applied 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 applicable guidelines in the context 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, "Any 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. I have not drawn inferences based on mere speculation or conjecture.

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

A person who 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 national security eligibility. Decisions include, by necessity, consideration of the possible risk the applicant may deliberately or inadvertently fail to protect or safeguard classified information. Such decisions entail a certain degree of legally permissible extrapolation as to potential, rather than actual, risk of compromise of classified or sensitive information. Finally, as emphasized in Section 7 of Executive Order 10865, "Any determination under this order adverse to an applicant shall be a determination in terms of the national interest and shall in no sense be a determination as to the loyalty of the applicant concerned." *See also* Executive Order 12968, Section 3.1(b) (listing multiple prerequisites for access to classified or sensitive information.)

Analysis

Paragraph 1 (Guideline F, Financial Considerations)

The security concerns relating to the guideline for financial considerations are set out in AG ¶ 18, which reads in pertinent part:

> 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.

AG ¶ 19 describes two conditions that could raise security concerns and may be disqualifying in this case:

(a) inability to satisfy debts; and

(c) a history of not meeting financial obligations.

Applicant was alleged to have twelve delinquent debts totaling approximately $16,661 that he has not resolved. He denied all of the allegations under this guideline. With some exceptions, documentary and testimonial evidence supports the existence of many of the debts. As stated, SOR 1.e, 1.g, 1.h, and 1.i are found for Applicant. AG ¶¶ 19(a) and (c) apply to the remainder.

The burden thereby shifts to Applicant to mitigate the adverse inference of his delinquent debts. The guideline includes four conditions in AG ¶ 20 that could mitigate the security concerns arising from Applicant's alleged financial difficulties:

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

Applicant has had financial issues for several years. They are at least in part due to the COVID-19 pandemic. He also had to borrow $16,000 from his parents to pay for his defense. He repeatedly stated that he felt honor bound to repay his parents first, even with knowledge of the Government's concerns. He had no plan to repay the delinquent debts except to say he would do it after he repaid his parents.

I have considered the fact he filed disputes concerning several of the debts. Given that he has not taken any other action to resolve the debts, the fact of his filing disputes alone is not sufficient evidence showing that he had behaved reasonably and responsibly under the circumstances. He has not made any attempt to resolve any of the debts, except to pay the fine connected to his criminal conviction after the hearing. None of the mitigating conditions apply in full. Based on all of the available evidence, Applicant has not mitigated the security concerns of this guideline, and it is found against him.

Paragraph 2 (Guideline J, Criminal Conduct)

The security concerns relating to the guideline for criminal conduct are set out in AG ¶ 30, which states:

> 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 two conditions that could raise security concerns and may be disqualifying in this case:

> (a) a pattern of minor offenses, any one of which on its own would be unlikely to affect a national security eligibility decision, but which in combination cast doubt on the individual's judgment, reliability, or trustworthiness; and
>
> (b) evidence (including, but not limited to, a credible allegation, an admission, and matters of official record) of criminal conduct, regardless of whether the individual was formally charged, prosecuted, or convicted.

Applicant had a long-term criminal history that stretched from 1996 until 2004, when he was released from prison. He also had contacts with law enforcement in 2016 and 2022. The 2022 incident resulted in his conviction for Assault. Both of the disqualifying conditions apply to the facts of this case.

The guideline includes four conditions in AG ¶ 32 that could mitigate the security concerns arising from Applicant's alleged criminal conduct. Two have possible application to the facts of this case:

> (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.

Applicant had a serious problem with the law between 1996 and 2004. After that he cleaned up his act and became a productive member of society for over ten years without a blemish. The 2016 complaint for being a Felon In Possession was dismissed because he had his record cleared under the laws of his state. The 2022 incident, in which he was arrested for Aggravated Assault and convicted of Battery, was regrettable. Applicant accepts his responsibility in that situation. It is three years since the incident, Applicant served his brief jail term and paid his fine, though it was very late. The record shows that he has been an outstanding worker for the last three years in a demanding job. Both of the mitigating conditions apply. Paragraph 2 is found for Applicant.

Paragraph 3 (Guideline E, Personal Conduct)

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

> Conduct involving questionable judgment, lack of candor, dishonesty, or unwillingness to comply with rules and regulations can raise questions about an individual's reliability, trustworthiness, and ability to protect classified or sensitive information. Of special interest is any failure to cooperate or provide truthful and candid answers during national security investigative or adjudicative processes.

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

> (c) credible adverse information in several adjudicative issue areas that is not sufficient for an adverse determination under any other single guideline, but which, when considered as a whole, supports a whole-person assessment of questionable judgment, untrustworthiness, unreliability, lack of candor, unwillingness to comply with rules and regulations, or other characteristics indicating that the individual may not properly safeguard classified or sensitive information;
>
> (d) credible adverse information that is not explicitly covered under any other guideline and may not be sufficient by itself for an adverse determination, but which, when combined with all available information, supports a whole-person assessment of questionable judgment, untrustworthiness, unreliability, lack of candor, unwillingness to comply with rules and regulations, or other characteristics indicating that the individual may not properly safeguard classified or sensitive information. This includes, but is not limited to, consideration of:
>
> > (2) any disruptive, violent, or other inappropriate behavior;
> >
> > (3) a pattern of dishonesty or rule violations; and

> (e) personal conduct, or concealment of information about one's conduct, that creates a vulnerability to exploitation, manipulation, or duress by a foreign intelligence entity or other individual or group. Such conduct includes:
>
>> (1) engaging in activities which, if known, could affect the person's personal, professional, or community standing.

I considered the following mitigating conditions under ¶ 17 and they apply to the facts of this case:

> (c) the offense was 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; and
>
> (e) the individual has taken positive steps to reduce or eliminate vulnerability to exploitation, manipulation, or duress.

Applicant has shown that the mitigating conditions apply to his conduct for all the reasons stated under Paragraph 2. The admitted criminal conduct is in his past, much of it in his far past. He has changed his behavior and shown that he is a law-biding citizen. This allegation is found for Applicant.

Whole-Person Concept

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

> (1) the nature, extent, and seriousness of the conduct; (2) the circumstances surrounding the conduct, to include knowledgeable participation; (3) the frequency and recency of the conduct; (4) the individual's age and maturity at the time of the conduct; (5) the extent to which participation is voluntary; (6) the presence or absence of rehabilitation and other permanent behavioral changes; (7) the motivation for the conduct;

(8) the potential for pressure, coercion, exploitation, or duress; and (9) the likelihood of continuation or recurrence.

Under AG ¶ 2(c), the ultimate determination of whether to grant 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 pertinent facts and circumstances surrounding this case. Applicant is not currently eligible for a security clearance because of his unresolved financial situation. Once he resolves his financial situation, he may be eligible for a security clearance again. Paragraph 1 is found against Applicant. Paragraphs 2 and 3 are found for Applicant.

Formal Findings

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

Paragraph 1, Guideline F:	AGAINST APPLICANT
Subparagraphs 1.a through 1.g:	Against Applicant
Subparagraphs 2.h through 1.j:	For Applicant
Paragraph 2, Guideline E:	FOR APPLICANT
Subparagraphs 2.a through 2.m:	For Applicant
Paragraph 3, Guideline E:	FOR APPLICANT
Subparagraphs 3.a:	For 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.

WILFORD H. ROSS
Administrative Judge