

KEYWORD: Financial; Criminal Conduct

DIGEST: Applicant has worked for the same defense contractor and held a confidential clearance for 25 years. She owes as much as \$18,755.40 in delinquent debt, attributable in large part to her former and current spouses' failures to live up to their financial responsibilities. Recent financial struggles were caused by unexpected medical costs and loss of income while on disability. She has begun to address debts and intends to resolve them with the income from a second job. Applicant assaulted her spouse in 2005, but there is little risk of recurrence since they are no longer together. Clearance is granted.

CASENO: 06-10532.h1

DATE: 07/18/2007

DATE: July 18, 2007

In re:)	
)	
-----)	
SSN: -----)	ISCR Case No. 06-10532
)	
Applicant for Security Clearance)	
)	

**DECISION OF ADMINISTRATIVE JUDGE
ELIZABETH M. MATCHINSKI**

APPEARANCES

FOR GOVERNMENT

Fahryn Hoffman, Esq., Department Counsel

FOR APPLICANT

Pro Se

SYNOPSIS

Applicant has worked for the same defense contractor and held a confidential clearance for 25 years. She owes as much as \$18,755.40 in delinquent debt, attributable in large part to her former and current spouses' failures to live up to their financial responsibilities. Recent financial struggles

were caused by unexpected medical costs and loss of income while on disability. She has begun to address debts and intends to resolve them with the income from a second job. Applicant assaulted her spouse in 2005, but there is little risk of recurrence since they are no longer together. Clearance is granted.

STATEMENT OF THE CASE

The Defense Office of Hearings and Appeals (DOHA) declined to grant or continue a security clearance for Applicant. As required by Department of Defense Directive 5220.6 ¶ E3.1.2 (Jan. 2, 1992), as amended, DOHA issued a Statement of Reasons (SOR) on January 19, 2007, detailing the basis for its decision—security concerns raised under Guideline F (Financial Considerations) and Guideline J (Criminal Conduct) of the revised Adjudicative Guidelines (AG) issued on December 29, 2005, and implemented by the Department of Defense effective September 1, 2006. The revised guidelines were provided to Applicant when the SOR was issued. Applicant filed an undated Answer that was received by DOHA on February 23, 2007, and elected to have a hearing before an administrative judge. The case was assigned to me on March 26, 2007.

With the consent of the parties, I convened a hearing on May 9, 2007, to consider whether it is clearly consistent with the national interest to grant or continue a security clearance for Applicant. Six Government exhibits (Ex. 1-6) and 19 Applicant exhibits (Ex. A-S) were admitted and testimony was taken from Applicant, as reflected in a transcript (Tr.) received on May 21, 2007.

The record was held open after the hearing until June 1, 2007, for Applicant to submit additional financial records as well as a character reference. By facsimile on May 23, 2007, Applicant timely forwarded five proposed exhibits that were marked and entered as Exhibits T through X, Department Counsel having no objections.

FINDINGS OF FACT

DOHA alleged under Guideline F that Applicant owed a \$4,844 judgment since March 2003 (SOR ¶ 1.a), a \$5,160 delinquent credit card debt in collection (¶ 1.b), a \$4,052 credit card debt charged off in January 1999 (¶ 1.c), a \$1,149 revolving charge debt (¶ 1.d), a \$1,940 retail charge debt in collection (¶ 1.e), and a \$179 gas services debt in collection (¶ 1.f). Applicant was alleged under Guideline J to have been convicted and sentenced to a \$100 fine for conspiracy to violate controlled substances laws in January 2001 (¶ 2.a), and to have served pretrial probation for a July 2005 assault and battery with a dangerous weapon (¶ 2.b).

Applicant admitted the debts as alleged, but indicated that she had contacted an attorney to pursue a bankruptcy and had not had an active credit card in more than five years. Applicant also admitted the criminal charges and sentences as alleged, but in a handwritten explanation essentially denied any culpability of the drug charge. As for the assault, Applicant indicated she was tired of supporting her spouse. She “lost it” in July 2005 and hit her spouse with a plastic snow shovel, but they separated in September 2005.

Applicant's admissions to the indebtedness and to the criminal charges and sentences are incorporated as findings of fact. After a thorough consideration of the pleadings, exhibits, and testimony, I make the following additional findings:

Applicant is a 45-year-old paste machine operator who has been employed by a defense contractor since October 1981. She has held a confidential security clearance since she was 19. She seeks to retain that clearance.

Applicant married her first husband in 1983. A daughter was born to them in June 1985, and a son in June 1986. Applicant worked on second shift, her husband on first shift. In November 1994, they got divorced,¹ and Applicant married her current husband in February 1995. She met him at work after she was legally separated from her first spouse but before her divorce. There were problems in this marriage from the start. About one month into the marriage, he quit his job. In early April 1995, Applicant obtained a temporary restraining order against her current husband after he struck her in the face during an argument. The abuse continued throughout their marriage, but Applicant did not file charges against him.

Applicant was not able to count on her current spouse holding a steady job or on her first husband paying child support. By May 2001, her first spouse had accumulated child support arrearage totaling \$19,402.50. She gave up on her efforts to force him to pay as it cost her legal fees every time she brought her ex-husband into court.

Applicant's income was not enough to support her family, and she incurred credit card debt beyond her ability to timely repay. Her revolving charge card with a department store, opened since January 1984, had been charged off in the amount of \$2,336 by March 2003 (¶ 1.e). A VISA card account opened by Applicant in October 1996 was charged off in the amount of \$4,052 with no activity since May 1998 (¶ 1.c). A revolving charge account opened in October 1997 was charged off in the amount of \$1,149 with last activity in May 1998 (¶ 1.d). A \$28 cable television debt was placed for collection in August 2001 (not alleged).

In addition to a history of unstable employment ("This man never kept a job, he would work, he would quit, he would get fired." Tr. 38), Applicant's current spouse had a substance abuse problem. On January 9, 2001, Applicant was out with her spouse when he waved down a friend. As they approached, they were surrounded by the police who had the other person under surveillance, and were arrested for conspiracy to violate the drug laws (attempting to purchase cocaine). Applicant paid a \$100 fine to dispose of the charge.² She denies that she intended to purchase drugs or that she or her husband had any drugs on him. She did not approve of his substance abuse.

Applicant, who had been living with her two children and her second husband in her mother's home at a monthly rental of \$650 to \$700, was forced to move in about June 2001, when her mother and stepfather returned to the area from a distant state. Her two children remained with their grandmother so that they could finish school in their district. Her husband was then

¹Applicant testified that he left her for another woman so she filed for divorce. (Tr. 29)

²The disposition of the offense, a \$100 fine, suggests recognition by the court that Applicant's involvement was minor.

unemployed, so Applicant resorted to taking a cash advance of \$1,500 to \$2,000 on a DISCOVER card account jointly held with her spouse to cover the cost of an apartment rental (first and last month rents and security deposit). She also purchased items for the new apartment using this credit card. By June 2002, the DISCOVER card account had been charged off and sold with a balance owed of \$5,160 (¶ 1.b).

On October 6, 2003, Applicant completed a security clearance application (SF 86). In response to any felony offenses (question 21), Applicant indicated she had paid a fine for a January 2000 [sic] drug offense. Applicant answered “Yes” to question 38 [“In the last 7 years, have you ever been over 180 days delinquent on any debt(s)?”], and listed the \$5,160 DISCOVER card debt (¶ 1.b). She also responded affirmatively to question 39 [“Are you currently over 90 days delinquent on any debt(s)?”] and listed the \$4,052 VISA card debt (¶ 1.c).

In March 2003, a \$4,844 judgment was awarded against Applicant (¶ 1.a).³ She began repaying the debt at \$30 per month, mostly on time. A telephone services provider charged off a \$75.82 balance in May 2003 that was eventually placed for collection in March 2006 (not alleged). As of December 2002, a \$316 debt balance was in collection status (not alleged).

A check of Applicant’s credit on February 12, 2004, disclosed the \$4,844 judgment award (¶ 1.a), collection debts of \$316 and \$28, the DISCOVER card and VISA card debts, and two retail revolving charge debts (¶¶ 1.d and 1.e). It was also reported that Applicant had paid other debts according to terms, including an automobile loan for \$19,087 taken out in August 1995 and satisfied in May 1997.

In late May 2004, Applicant moved in with her grandmother as she could not afford a recent raise in her apartment rent from \$750 to \$950 per month. Her spouse was in jail for assaulting another person. Applicant’s grandmother did not charge her rent but Applicant bought the groceries. In August 2004, she moved to her present residence. She and her husband reconciled about that time. She took out a loan of between \$1,700 and \$2,000 from her 401(k) account at work to pay the first and last month rents at her new apartment. The debt is being repaid through automatic deduction from her pay.

In October 2004, a natural gas provider referred a \$179 delinquent debt balance for collection (¶ 1.f). On May 20, 2005, Applicant was interviewed by a special investigator for the Office of Personnel Management Investigations Service about her financial problems. Applicant attributed her financial difficulties to her divorce in 1994 and consequent loss of her first husband’s income. She indicated she did not recall which credit card lender had obtained the judgment against her, but she was repaying it at \$30 per month. She admitted she did not pay the old cable debt of \$28 or the \$75.82 long distance telephone debt. As for the DISCOVER debt, she indicated she incurred unpaid charges of about \$2,000 but it rose due to interest. Applicant had not made a payment nor had she been contacted by the creditor in several years. She also did not dispute the VISA card account held jointly with her first husband or that she had not made payment on that debt. Applicant did not

³Applicant testified the debt was a consumer credit card debt but she cannot which credit card. (Tr. 73)

recognize either the \$316 collection debt (not alleged) or the retail debt of \$1,149 (¶ 1.d).⁴ Applicant provided a personal financial statement on which she estimated a joint net monthly remainder of \$1,008 after payment of expenses and \$30 on the judgment debt.

As of May 2005, Applicant's spouse was working for a temporary employment company. After he came home "high," she told him she wanted him out of the house by mid-June 2005. He quit his job and had squandered his job earnings instead of leaving. Over the next couple of weeks, she came home from work only to find Applicant and his sister under the influence of a mood-altering substance. In early July 2005, Applicant struck her spouse with a plastic snow shovel during an argument ("I wanted him out for so long and so bad that I snapped." Tr. 42), and he called the police. She was under the influence of alcohol, having consumed seven or eight beers. Applicant was arrested and was released on personal recognizance after spending the weekend in a holding cell. During a subsequent argument in August 2005, Applicant threw the handset and a can at her spouse. He contacted the police, and she was arrested. In October 2005, she was placed on pretrial probation to April 20, 2006, on charges of assault and battery with a dangerous weapon.

Applicant moved out of the marital residence in August 2005. After her spouse relocated to a distant state in September 2005, Applicant moved back into the house. She has had no contact with him since they conversed by telephone in December 2005.

As of August 9, 2006, Equifax reported Applicant owed four debts in collection: the \$75 telephone debt, \$28 cable television debt, \$179 gas services debt, and the \$5,160 DISCOVER card debt. The \$4,052 VISA card debt (¶ 1.c), and \$1,149 (¶ 1.d) and \$1,940 (¶ 1.e) were not on the credit report.

DOHA sent interrogatories to Applicant inquiring about her arrest for assault and the status of the debts that had been reported as delinquent on her February 2004 and August 2006 credit reports. During the last week of August, Applicant satisfied her \$28 cable television and \$75 telephone service debts. In her September 5, 2006, response to DOHA's interrogatories, Applicant admitted striking her spouse in July 2005, but indicated that they had been physically separated for the past 13 months. She averred she would seek a divorce if her spouse returned to her present locale. Concerning her indebtedness, Applicant provided an August 23, 2006, credit report that listed the debt in ¶ 1.b and the \$179 gas services debt (not alleged) as unpaid. Her credit record had not yet been updated to reflect the satisfaction of the \$28 cable television or \$75 telephone service debts. Applicant completed a personal financial statement at DOHA's request, estimating a net monthly remainder of \$85 on an hourly wage of \$19.12.

A check of Applicant's credit on December 14, 2006, showed no progress in resolving the \$5,160 DISCOVER card debt (¶ 1.b) or the \$179 natural gas debt (¶ 1.f). On January 19, 2007, DOHA issued an SOR, alleging those debts as well as the others that had been reported as past due in February 2004 but did not appear in recent credit checks.

⁴Applicant testified the charges may well have been incurred when she and her spouse purchased a stereo on credit from a retailer that has since gone out of business. She had paid down the debt down to \$300 or \$400 from its original debt of \$700 when her husband charged a television antenna and sleeping bag. (Tr. 79-80)

Applicant was on short-term disability from her employment from October 5, 2006, to December 13, 2006, and on long-term disability through March 8, 2007, because of a herniated disc and treatment. Applicant had injured herself in a fall in July 2006. When she could no longer tolerate the pain, she sought medical care in October 2006, initially shots for pain but later surgery. She was paid 100% of her salary while on short-term disability but only 50% when on long-term disability. Applicant incurred out-of-pocket medical expenses for her treatment. From January 9, 2007, to February 22, 2007, Applicant paid \$350 in physical therapy costs. She returned to work on or about March 9, 2007, half days for the first two weeks and thereafter full-time.

While out on disability, Applicant consulted with an attorney about filing for bankruptcy. She elected not to file as she wanted to take responsibility for her financial obligations (“I even said to him, I said I honestly don’t even know if this is a good idea because, to me, it’s like I’m sweeping my problems under the carpet.” Tr. 57). Applicant made \$50 payments on her delinquent gas bill on February 15, 2007, and on April 3, 2007. She satisfied the debt on April 17, 2007, with a payment of \$79.95 (¶ 1.f). Applicant had been paying \$30 monthly on the judgment debt for the most part (¶ 1.a), but was getting nowhere due to interest charges. In about April 2007, she arranged to increase her monthly payment to \$100 with further interest being waived as long as she made the payments. With a payment of \$100 on April 20, 2007, she still owed \$6,504.12 due to interest. Applicant entered into an agreement with the assignee to pay \$50 per month on the DISCOVER card debt (¶ 1.b) starting in May 2007.

As of May 2007, Applicant had not contacted her other creditors (¶¶ 1.c, 1.d, 1.e). She was living from paycheck to paycheck on an hourly wage of \$19.69, and without certainty as to her job status, did not feel she could promise to pay that she might not be able to keep. Applicant had contacted two debt consolidation firms for assistance but could not afford the \$670 to \$690 per month to pay off her debts. If she is able to retain her present job, she plans to get a second job to give her extra funds to repay her obligations. Applicant does not have a savings account or any active credit card accounts. She took her spouse off of her medical insurance, which freed up about \$19.69 per week.

From September 2005 through August 2006, Applicant was an operator in the conformal coat area. Her supervisor found her to be an excellent employee. Transferred to a new area in September 2006, she exhibited willingness to learn and a good attitude. Her current supervisor considers her to be a welcome addition to the team.

POLICIES

“[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 occupy a position . . . that will give that person access to such information.” *Id.* at 527. The President authorized the Secretary of Defense 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, *Safeguarding Classified Information within Industry* § 2 (Feb. 20, 1960). 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).

The revised Adjudicative Guidelines set forth potentially disqualifying conditions (DC) and mitigating conditions (MC) under each guideline. In evaluating the security worthiness of an applicant, the administrative judge must also assess the adjudicative process factors listed in ¶ 6.3 of the Directive. The decision to deny an individual a security clearance is not necessarily a determination as to the loyalty of the applicant. *See* Exec. Or. 10865 § 7. It is merely an indication the applicant has not met the strict guidelines the President and the Secretary of Defense have established for issuing a clearance.

CONCLUSIONS

Guideline F—Financial Considerations

Failure or inability 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 information. An individual who is financially overextended is at risk of having to engage in illegal acts to generate funds. AG ¶ 18. Applicant has had financial problems since she divorced her first husband in 1994. Consumer credit card debt totaling \$12,697 was charged off and/or placed for collection in or before March 2003 (¶¶ 1.b, 1.c, 1.d, 1.e). One creditor obtained a judgment of \$4,844.58 against Applicant in March 2003 (¶ 1.a). Applicant was unable to recall, or to produce documentation identifying the original creditor, although she testified it was a credit card debt.⁵ While she apparently overlooked a minor cable television debt of \$28 when she moved, she fell behind in her gas bill and \$179 was sent for collection in October 2004 (¶ 1.f). A telephone debt of \$75, due since May 2003, was placed for collection in March 2006 (not alleged). Applicant’s failure to meet her financial obligations is recent and raises significant security concerns. Under Guideline F, disqualifying conditions (DC) ¶19(a) *inability or unwillingness to satisfy debts*, and ¶ 19(c) *a history of not meeting financial obligations*, apply.

Applicant’s financial problems started after her divorce, when her first husband failed to pay child support of almost \$20,000. She was forced to rely on consumer credit to purchase clothing and other items for her children. Her ex-husband’s failure to support their children is a circumstance within mitigating condition (MC) ¶ 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, or a death, divorce or separation), and the individual acted responsibly under the circumstances*). However, Applicant’s financial problems are also due in part to her poor judgment. Over the October 1996 to May 1998 time frame, she ran up about \$4,052 in credit card debt on a VISA card. Knowing that she had to repay that substantial debt, she and her husband opened a joint credit card account in October 1997, on which they incurred \$1,149 in debt. About \$700 was likely for a stereo that they wanted. Whether or not her husband charged other items on

⁵The \$4,844 judgment debt (¶ 1.a) could be an effort to collect the \$4,052 credit card debt that was charged off (¶ 1.c), although there is no documentation confirming this. The judgment debt and the \$4,052 delinquent credit card balance appear only on the February 2004 credit report (Ex. 4).

the card without her knowledge, MC ¶ 20(b) does not apply where the expenditure was discretionary and incurred when she was already heavily in debt.

In her favor, however, Applicant's over reliance on consumer credit has not persisted. The available credit reports confirm most of the delinquent charges were incurred more than five years ago. The \$5,160 DISCOVER card debt was primarily a cash advance needed for rent when she had to move out of her mother's home in June 2001. She showed good financial judgment in residing with her grandmother rent-free from May 2004 to August 2004. Although Applicant renewed her cohabitant relationship with her abusive spouse from August 2004 to August 2005 (*see* Guideline J, *supra*), they did not incur any new consumer credit card debt. MC ¶ 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*, applies as far as her abuse of credit is concerned.

After the SOR was issued, Applicant very recently satisfied three minor collection debts (a \$28 cable bill and a \$75 telephone debt that were not alleged, and the \$179 gas debt in ¶ 1.f). These are considered good faith efforts, albeit belated, to repay her debts (*see* MC ¶ 20(d) *the individual initiated a good-faith effort to repay overdue creditors or otherwise resolve debts*). While she reported a net monthly remainder of \$1,008 as of May 2005, she was still with her husband who quit his job shortly thereafter, and who had a history of substance abuse. It is not clear what he did with the money while Applicant was working to support them, although Applicant testified she would come home to find him and his sister high. The delay in debt satisfaction is credibly attributed to the loss of income due to disability and medical co-pay expenses incurred after she was again on her own. Applicant was paid only half of her salary when out on long-term disability from about December 16, 2006 to about March 8, 2007, and she paid at least \$350 in out-of-pocket physical therapy costs. For the most part, Applicant has been paying on the judgment debt in ¶ 1.a since March 2003, although she made no headway toward reducing the debt because of interest. In April 2007, she arranged with the lawyer collecting the debt to raise her payment to \$100 monthly in exchange for a waiver of new interest charges. Similarly, she has taken the initial step toward resolving the debt in ¶ 1.b by arranging repayment at \$50 per month and making that initial payment.

Applicant expressed a credible intent to pay the rest of her delinquent debt, which totals about \$18,755.40 (less \$4,052 if ¶¶ 1.a and 1.c are the same debt). With a net annual income of about \$22,000 from her job with the defense contractor, Applicant had little to no savings as of May 2007, as she had to get caught up in her utility bills. She stopped paying for medical insurance for her spouse, which freed up about \$19.69 per week, but with the \$150 for the debts in ¶¶ 1.a. and 1.b coming out of her pay,⁶ she is not currently in a position to pay on the other debts. (*See* ¶ 18, *an individual who is financially overextended is at risk of having to engage in illegal acts to generate funds*). However, with the improvement in her medical condition, Applicant intends to obtain a second job to obtain the income needed to address her other obligations. Her personal situation has sufficiently stabilized to where she is in a better position than previously to take affirmative steps toward resolving her debt if given the opportunity.

⁶There is no indication that the creditors in ¶¶ 1.c, 1.d, or 1.e are actively pursuing collection at this time.

Guideline J—Criminal Conduct

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 ¶ 30. In January 2001, Applicant was charged with conspiracy to violate the drug laws. The case was disposed of by her payment of a \$100 fine and \$35 fee. In October 2005, she was placed on six months pretrial probation for assault and battery on her spouse in July and August 2005. DC ¶ 31(a) *a single serious crime or multiple lesser offenses*, and ¶ 31(c) *allegation or admission of criminal conduct, regardless of whether the person was formally charged, formally prosecuted or convicted*, apply.

Applicant has consistently claimed that she did not intend to engage in any illegal drug transaction or abuse on the occasion of her arrest in January 2001 (*see* MC ¶ 32(c) *evidence that the person did not commit the offense*). Applicant testified that her spouse might have been trying to buy cocaine (Tr. 82), although she denied knowing of his intent. She intended to plead not guilty until advised by the police that it could mean a lengthy trial; that if she pleaded guilty the case would be disposed of with a fine. (Tr. 44-45) The imposition of only a \$100 fine at her initial court appearance (*see* Ex. G) lends credence to her testimony that she pleaded guilty to avoid a trial.

Applicant readily admitted that she struck her spouse in July 2005 with a plastic shovel and then in August 2005 with a telephone handset and a can. The assaults were in the context of an abusive relationship where Applicant was usually the victim, but it does not excuse her recent criminal conduct. Yet, she has also demonstrated reform in completing her six months of pretrial probation without incident. She has accepted responsibility for her misconduct (“I got in a huge argument, I had a few beers to drink. I got in a huge argument with the man and I did, it was the first time in my life I ever went after the man, I hit him with the plastic snow shovel.” Tr. 40). She has expressed remorse (“I’m not proud of myself,” Tr. 38) and given that Applicant and her spouse have been living apart since August 2005, it is not likely to recur. Favorable consideration of MC ¶ 32(d) *there is evidence of successful rehabilitation; including but not limited to the passage of time without recurrence of criminal activity, remorse or restitution, job training or higher education, good employment record, or constructive community involvement*, is appropriate.

Whole Person Analysis

The adjudicative process is an examination of a sufficient period of a person’s life to make an affirmative determination that the person is eligible for a security clearance. AG ¶ 2(a) Applicant’s longstanding financial problems and recent criminal conduct warranted the Government’s scrutiny over whether she should retain the confidential clearance that she has held for the past 25 years (*see* ¶ 2(a)(1) *the nature, extent, and seriousness of the conduct*, ¶ 2(a)(3) *the frequency and recency of the conduct*). However, her financial difficulties are attributable in large part to her former and current spouses’ failures to live up to their financial responsibilities. Recent financial struggles are attributed to unexpected medical costs and loss of income while on disability (*see* ¶ 2(a)(2) *the circumstances surrounding the conduct*). While she owes sizable delinquent debt in relation to her income, Applicant has shown that she can manage her finances responsibly since she has been living on her own (¶ 2(a)(6) *the presence or absence of rehabilitation and other permanent behavioral changes*). Her criminal assault was not due to violent tendencies on her part, but rather to her frustration with a physically abusive spouse who preferred a life of leisure and

illegal drug use to one of productive employment and marital support. Recurrence of the criminal conduct is not likely since they are physically separated and Applicant intends to file for divorce if he returns (*see* ¶ 2(a)(9) *the likelihood of continuation or recurrence*). With the favorable change in her personal situation, Applicant is less at risk than she was when she was struggling to support her two children and a spouse who cared not to live up to his marital obligations. Having not allowed her financial or personal relationship problems to negatively effect her employment and security responsibilities in the past, she is not likely to succumb to any pressures now. Applicant has plans in place to resolve the indebtedness that she understands she has an ethical duty to repay.

FORMAL FINDINGS

The following are my conclusions as to each allegation in the SOR:

Paragraph 1. Guideline F:	FOR APPLICANT
Subparagraph 1.a:	For Applicant
Subparagraph 1.b:	For Applicant
Subparagraph 1.c:	For Applicant
Subparagraph 1.d:	For Applicant
Subparagraph 1.e:	For Applicant
Subparagraph 1.f:	For Applicant
Paragraph 2. Guideline J:	FOR APPLICANT
Subparagraph 2.a:	For Applicant
Subparagraph 2.b:	For Applicant

DECISION

In light of all of the circumstances in this case, it is clearly consistent with the national interest to grant or continue a security clearance for Applicant. Clearance is granted.

Elizabeth M. Matchinski
Administrative Judge