



**DEPARTMENT OF DEFENSE  
DEFENSE OFFICE OF HEARINGS and APPEALS**



In the matter of: )  
)  
) ISCR Case No. 14-00170  
)  
Applicant for Security Clearance )

**Appearances**

For Government: Gregg Cervi, Esq., Department Counsel  
For Applicant: *Pro se*

12/09/2014

**Decision**

HEINY, Claude R., Administrative Judge:

Applicant contests the Department of Defense’s (DoD) intent to deny his eligibility for a security clearance to work in the defense industry. The 13 charged-off or collection accounts alleged in the Statement of Reasons (SOR), totaling more than \$32,000, have been discharged in bankruptcy. The financial considerations, sexual behavior, and personal conduct security concerns have been resolved. Clearance is granted.

**History of the Case**

Acting under the relevant Executive Order and DoD Directive,<sup>1</sup> on February 27, 2014, the DoD issued an SOR detailing security concerns. On April 30, 2014, an amended SOR was issued listing sexual behavior and personal conduct security concerns. DoD adjudicators could not find that it is clearly consistent with the national

<sup>1</sup> Executive Order 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) effective within the DoD on September 1, 2006.

interest to grant or continue Applicant's security clearance. On March 21, 2013 and May 19, 2014, Applicant answered the SOR and requested a hearing. On June 12, 2014, I was assigned the case. On September 4, 2014, the Defense Office of Hearings and Appeals (DOHA) issued a Notice of Hearing for the hearing convened on September 18, 2014 and held by video teleconference. I admitted Government's Exhibits (Ex) 1 through 6 and Applicant's Exhibits A through E, without objection. Applicant testified at the hearing. The record was held open to allow Applicant to submit additional information. Additional material (Ex. F and Ex. G) was submitted and admitted into the record without objection. On September 29, 2014, DOHA received the hearing transcript (Tr.).

### **Findings of Fact**

In Applicant's Answer to the SOR, he admitted the delinquent accounts listed in SOR 1.a through SOR 1.n and also SOR 1.p. Department Counsel withdrew the allegation in SOR 1.o. (Tr. 19) Applicant admitted engaging in sexual activity in front of a web-camera, but denied doing so for compensation. He denied the personal conduct security allegation. I incorporate Applicant's admissions to the SOR allegations. After a thorough review of the pleadings, exhibits, and testimony, I make the following additional findings of fact:

Applicant is a 32-year-old electronic technician who has worked for a defense contractor since June 2012, and seeks a security clearance. (Ex. 1, Tr. 25) He earns \$22 per hour. (Tr. 2) Applicant was on active duty with the U.S. Air Force from October 2002 through December 2008 and then in the Air Force reserves from 2008 through 2010. In December 2008, when he honorably separated from the Air Force, he was a staff sergeant (E-5). (Tr. 26) He obtained a job in February 2009. (Tr. 44)

Applicant's co-workers, supervisors, and friends state: Applicant is a very punctual, respectful, responsible, trustworthy, and reliable person with strong convictions. (SOR Answer) He exercises good judgment and common sense. He is very professional, meticulous in following the rules, and dependable. (Ex. F) He is dedicated to the mission and a very productive team member. (Ex. G)

Applicant and his wife, now ex-wife, were both on active duty in the Air Force. (Tr. 27) When he and his wife left the service they returned to their home state on the east coast. Applicant later moved to the southwest where his wife and children joined him for various periods of time. (Tr. 35) His wife and children returned to the east coast and then moved back to the southwest in a reconciliation attempt, which was unsuccessful. (Tr. 35) A \$672 payday loan (SOR 1.d), now in collection, was incurred to pay for the family members' trip from the east coast to the southwest. (Tr. 37)

From January 2010 through May 2010 and August 2011 through May 2014, Applicant used his G.I. educational benefits to attend school. (Tr. 29) He still attends school. He was unemployed from September 2009 through June 2010.<sup>2</sup> While

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<sup>2</sup> For part of a month during this period of unemployment, Applicant worked as a customer service representative, but the work interfered with his schooling. (Tr. 30)

unemployed, he received \$393 weekly state unemployment compensation. (Tr. 29) His current job pays him \$22 per hour. (Tr. 40)

In June 2007, while Applicant and his wife were on active duty, they purchased a 2007 Ford Fusion for \$27,679. (Ex. 5, Tr. 31) His wife had possession of the car on the east coast. (Tr. 36) In September 2009, they stopped making the \$400 monthly payments. (Ex. 2) It was later repossessed resulting in an \$8,272 obligation (SOR 1.a). A mini-van in his wife's name was also repossessed. (Tr. 32) During the summer of 2007, while still on active duty, Applicant used a debt consolidation program for two or three months. (Tr. 41, 43)

In 2009, Applicant purchased a 2006 Ford. (Tr. 31) He was working and applied, but was not hired by another employer. At that time, he could no longer make his car payments and it was repossessed. Following the repossession, he owed \$5,934 (SOR 1.h). He returned to the east coast from the southwest. (Tr. 31) Also in 2006 or 2007, Applicant incurred a \$300 hospital bill (SOR 1.f), which he believes should have been paid by TRICARE, but was not. (38-39)

In a November 2012 Personal Subject Interview (PSI), Applicant was asked about a \$4,251 delinquent child support obligation. (Ex. 2) He was divorced in May 2011. (Ex. 1, Tr. 44) For almost two years starting in 2010, he had failed to pay child support for his children ages seven and ten due to a lack of income. (Ex. 2) His last two state unemployment checks were intercepted to be applied to his child support obligation. (Tr. 47) Starting in July 2012, after obtaining his current employment, he has a \$233 automatic deduction taken from his pay every two weeks. (Tr. 2, Tr. 46)

As of November 2012, as stated in Applicant's PSI, it was his intention to have all delinquent child support paid in 180 days. (Tr. 2) In November 2012, Applicant initiated a civil action to gain partial custody of his children. The action has yet to be resolved and is now before a mediator. (Tr. 78) His federal income tax refund was intercepted and applied to his past-due child support. (Tr. 34) He currently owes \$1,063 in past-due support. (Tr. 34)

Following the 2011 divorce, Applicant's ex-wife filed for bankruptcy protection. (Tr. 43) In November 2013, Applicant filed for Chapter 7 bankruptcy relief listing \$9,530 in assets and \$31,710 in liabilities. (Ex. 3) The debts listed in the bankruptcy were discharged on March 10, 2014. (Ex. D) He had tried to file in November 2012 right after his PSI, but did not have the \$1,500 it would have cost to file. (Tr. 48) Bankruptcy was suggested to him during his PSI. (Tr. 49)

Applicant's current monthly income is \$2,380 and his monthly expenses are \$2,260, which leaves a monthly net remainder of \$110. The bankruptcy included the following SOR debts: SOR 1.a, repossessed 2007 Ford Fusion debt, \$8,272; SOR 1.c, \$44 insurance debt; SOR 1.d, \$672 payday loan; SOR 1.e, \$415 telephone bill; SOR 1.f, \$300 hospital debt; SOR 1.g, \$378 loan; SOR 1.h, repossessed 2006 Ford Mustang debt, \$5,934; SOR 1.i, \$1,934 department store debt; SOR 1.j, \$949 department store debt; SOR 1.k, \$2,251 collection on the same department store account listed in SOR

1.i; SOR 1.l, \$1,086 telephone bill; and SOR 1.m, and a \$199 telephone company collection account by the same telephone service provider as SOR 1.l. (Ex. 3)

Applicants August 2012 credit report (Ex. 4) lists eight accounts including two paid automobile accounts, four accounts being paid as agreed, one collection account, and one account 120 days late.

Applicant lives with and shares living expenses with his girlfriend<sup>3</sup> who is a web-camera model. She makes between \$200 and \$1,700 per week being active in adult content activities on the web. Her pay is 30 percent of what people pay to watch her. (Tr. 62, 80) She has one web camera attached to her computer. (Tr.63) She is on the web from one to twelve hours per day. (Tr. 65) She can have party sessions, chats, or exclusive conversations with individuals wishing to pay. (Tr. 64) During these sessions there was sexual talk and sexual adult activities.

In August 2010, Applicant sometimes appeared naked and participated in sex scenes with her. (Tr. 68) His girlfriend receives compensation for her activities. (Ex. 2) Since obtaining his current job, he has not shown his face while participating with her. At the time of his PSI, he told the interviewer about his girlfriend's job and his participation with her. He brought his conduct with his girlfriend to the attention of the company's security facility officer (SFO) and asked for guidance on the matter. (Tr. 68) The SFO said there was no definitive guidance about the conduct. He was told there were no guidelines against Applicant participating in this type of activity. (SOR Answer) At that time, he continued to participate without showing his face. After receiving the SOR, he stopped all participation. (Tr. 69) After his PSI, he told his supervisors about his conduct. (Tr. 71) His parents and closest coworkers know of his conduct as do his friends who are also his girlfriend's friends. (Tr. 74)

Applicant pays the \$795 monthly rent.<sup>4</sup> He owns a 2001 Chevy Blazer and makes \$322 monthly payments. (Ex. B) He currently owes approximately \$3,200 on the vehicle. His girlfriend is making the payments on the car because he wanted to trade it in, and she wanted to keep it. (Tr. 54) In April 2014, due to mechanical problems with the Chevrolet, he purchased a 2012 Ford for \$17,633 with \$415 monthly payments (Tr. 52-53) His girlfriend buys the groceries for the household, pays the cable, gas, and electric bills. (Tr. 51, 57) He has two credit cards with zero balances and a debit card. (Tr. 61) He maintains the credit cards as an emergency fund should the need arise. (Tr. 95)

Applicant has had no formal financial counseling, but has learned if he cannot pay cash for something, he cannot afford it. (Tr. 82) If he wants something he has to save for it. (Tr. 82) Other than the car repossession debts and the child support obligation (SOR 1.n, \$1,539), the three largest debts were two department store

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<sup>3</sup> Applicant and his girlfriend had separated for about a year when Applicant was attempting to get back together with his ex-wife. (Tr.78)

<sup>4</sup> The monthly rent is \$995. The other \$200 is paid by a roommate not his girlfriend. (Tr. 50)

accounts for \$2,251 (SOR 1.k) and \$949 (SOR 1.j) and a \$1,086 telephone bill (SOR 1.l). He owed approximated \$2,000 on six other delinquent obligations. The debts were discharged in March 2014 as a result of a bankruptcy proceeding.

## **Policies**

When evaluating an applicant's suitability for a security clearance, the administrative judge must consider the adjudicative guidelines. In addition to brief introductory explanations for each guideline, the adjudicative guidelines list potentially disqualifying conditions and mitigating conditions, which must be considered 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, these guidelines are applied in conjunction with the factors listed in the adjudicative process. The administrative judge's overarching adjudicative goal is a fair, impartial, and commonsense decision. According to AG ¶ 2(c), 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 interests of security is the paramount consideration. AG ¶ 2(b) requires that "[a]ny doubt concerning personnel being considered for access to classified information will be resolved in favor of 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.

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 applicant or proven by Department Counsel. . . ." The applicant has the ultimate burden of persuasion to obtain a favorable security decision.

A person who seeks access to 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 of potential, rather than actual, risk of compromise of classified information.

Section 7 of Executive Order (EO) 10865 provides that 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 *a/so* EO 12968, Section 3.1(b) (listing multiple prerequisites for access to classified or sensitive information).

## Analysis

### Guideline F, Financial Considerations

Adjudicative Guideline (AG) ¶ 18 articulates the security concerns relating to financial problems:

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.

Additionally, an individual who is financially irresponsible may also be irresponsible, unconcerned, negligent, or careless in properly handling and safeguarding classified information. Behaving responsibly or irresponsibly in one aspect of life provides an indication of how a person may behave in other aspects of life.

A person's relationship with his creditors is a private matter until evidence is uncovered demonstrating an inability or unwillingness to repay debts as agreed. Absent substantial evidence of extenuating or mitigating circumstances, an applicant with a history of serious or recurring financial difficulties is in a position of risk that is inconsistent with holding a security clearance. An applicant is not required to be debt free, but is required to manage his finances to meet his financial obligations.

Applicant has a history of financial problems. Applicant had three vehicle repossessions and ten other delinquent accounts, which together totaled more than \$32,000. Disqualifying Conditions AG ¶ 19(a), "inability or unwillingness to satisfy debts" and AG ¶ 19(c), "a history of not meeting financial obligations," apply.

Five Financial Considerations Mitigating Conditions under AG ¶ 20 are potentially applicable:

(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), and the individual acted responsibly under the circumstances;

(c) the person has received or is receiving counseling for the problem and/or there are clear indications that the problem is being resolved or is under control;

(d) the individual initiated 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.

While Applicant and his wife were both on active duty in the U.S. Air Force they purchased a car and incurred other debts. After leaving active duty, both incurred financial difficulties compounded by marital difficulties resulting in divorce. Prior to their divorce, they established separate households in different states, which added to their financial problems. They divorced in 2011. Shortly thereafter, his ex-wife filed for bankruptcy protection. In 2012, it was suggested that Applicant do likewise, but at that time he had insufficient funds to proceed with a bankruptcy. In November 2013, he did file for bankruptcy protection and in March 2014, his debts, including all of the SOR debts, were discharged.<sup>5</sup>

Applicant's debts were incurred a number of years ago, but have only recently been discharged. Because he has multiple delinquent debts and his financial problems continued until discharged in bankruptcy, he receives minimal application of the mitigating conditions listed in AG ¶ 20(a).

After leaving the Air Force, Applicant did not get the job he anticipated and returned to school while living on state unemployment benefits and G.I. educational benefits. He is able to address his current obligations and realizes he can only obtain those things for which he can pay cash. He does have two credit cards, but maintains them only for emergency use. Although he had sufficient funds to meet his current living expenses, he had no additional funds to repay the debts earlier incurred. Under the circumstances, his choices were limited to non-payment of the debts or bankruptcy.

In Applicant's circumstances, the filing of bankruptcy protection was the only responsible way to address his debts. Although a legal method of addressing his

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<sup>5</sup> There is some duplication of debts in Applicant's bankruptcy schedules. In a bankruptcy filing, most debtors list potential creditors, even when the debt may have been resold or transferred to a different collection agent or creditor, to ensure notice, and reduce the risk of subsequent dismissal of the bankruptcy. If Applicant failed to list some debts on his bankruptcy schedule, this failure to list some debts does not affect their discharge. Absent fraud, in a no-asset bankruptcy, all unsecured, nonpriority debts are discharged when the bankruptcy court grants a discharge, even when they are not listed on a bankruptcy schedule. See *Judd v Wolfe*, 78 F.3d 110, 114 (3d Cir. 1996); *Francis v. Nat'l Revenue Service, Inc.*, 426 B.R. 398 (Bankr S.D. FL2010), but see *First Circuit Bucks Majority on Discharge of Unlisted Debt in No-Asset Case*, American Bankruptcy Institute, 28-9 ABIJ 58 (Nov. 2009) There is no requirement to re-open the bankruptcy to discharge the debt. *Collier on Bankruptcy*, Matthey Bender & Company, Inc. 2010, Chapter 4-523, ¶ 523(a3)(A).

delinquent debts, bankruptcy cannot be characterized as a good-faith effort to satisfy his debts.

Under AG ¶ 20(a), Applicant's financial problems were contributed to by his child support obligations. His petition to modify child custody and support is now before a mediator. Since obtaining his current job, he has met his support obligation by automatic deductions from his pay and has reduced the amount of delinquent support to approximately \$1,000. Under AG ¶ 20(b), Applicant experienced both separation and divorce along with the financial burden associated with each. The job he anticipated when he left the Air Force did not materialize. These are factors beyond his control. AG ¶ 20(b) applies.

Under AG ¶ 20 (c) he has not received any formal financial counseling, but does realize he cannot buy on credit. A bankruptcy discharge is meant to give an individual a fresh start financially. As of March 2014, Applicant has that fresh start.

Under ¶ 20(d), as previously stated Applicant's bankruptcy cannot be categorized as a "good-faith effort to repay overdue creditors," but is a legal method to "otherwise resolve debts." AG ¶ 20(c) and ¶ 20(d) have some application.

#### **Guideline D, Sexual Behavior**

AG ¶ 12 expresses the security concern pertaining to sexual behavior:

Sexual behavior that involves a criminal offense, indicates a personality or emotional disorder, reflects lack of judgment or discretion, or which may subject the individual to undue influence or coercion, exploitation, or duress can raise questions about an individual's reliability, trustworthiness and ability to protect classified information. No adverse inference concerning the standards in this Guideline may be raised solely on the basis of the sexual orientation of the individual.

As related above, the sexual behavior was criminal in nature. AG ¶ 13 describes a condition that could raise a security concern in this case and may be disqualifying:

(c) sexual behavior that causes an individual to be vulnerable to coercion, exploitation, or duress; and,

(d) sexual behavior of a public nature and/or that reflects lack of discretion or judgment.

Applicant's live-in girlfriend is a web-camera model. She is paid by individuals who wish to talk with her and watch her in a variety of sexual, adult conduct activities. Applicant participated with her on occasion in front of the web camera. During his PSI, he brought his conduct to the attention of the interviewer and asked for guidance. It was suggested he talk with his FSO about the matter, which he did. The FSO said there was no clear guidance on the matter. Thereafter, on occasion, Applicant continued his



involvement with his girlfriend in front of the web camera. Once he received the SOR and understood the Government's concern, he stopped all web-camera participation. His parents, friends, coworkers, and supervisors know of his conduct.

AG ¶ 14 provides two conditions that could possibly mitigate security concerns.

(b) the sexual behavior happened so long ago, so infrequently, or under such unusual circumstances, that it is unlikely to recur and does not cast doubt on the individual's current reliability, trustworthiness, or good judgment; and

(c) the behavior no longer serves as a basis for coercion, exploitation, or duress.

It cannot be said that the conduct was not recent nor infrequent, but "it is unlikely to recur." Applicant did not try to hide his actions. His parents, friends, coworkers, and supervisors are aware of his actions. The behavior can no longer serve as a basis for coercion, exploitation, or duress. Not knowing how the conduct would be viewed, Applicant asked for guidance. He was told there was no clear-cut information about the conduct and so he occasionally continued the conduct with his girlfriend. Once he received the SOR and knew of the Government's concern he stopped all such conduct. The mitigating conditions in AG ¶ 14(b) and AG ¶ 14(c) apply.

### **Guideline E, Personal Conduct**

The security concern under this guideline is as follows:

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 ¶ 15)

AG ¶ 16 describes a condition that could raise a security concern in this case and may be disqualifying:

(e) personal conduct, or concealment of information about one's conduct, that creates a vulnerability to exploitation, manipulation, or duress, such as (1) engaging in activities which, if known, may affect the person's personal, professional, or community standing,

AG ¶ 17 provides condition that could possibly mitigate security concern:

(e) the individual has taken positive steps to reduce or eliminate vulnerability to exploitation, manipulation, or duress.

Applicant's conduct does not involve a lack of candor, dishonesty, or unwillingness to comply with rules and regulations. As stated above, Applicant did not know how this type of conduct would be considered by the Government and sought advice and was told there was no guideline against this type of conduct. This might have been bad advice from the SFO, but Applicant was justified in relying on what the SFO told him. When he received the SOR, he knew the conduct was not acceptable and he terminated the conduct. He complied once made aware of the Government's concern. His parents, friends, coworkers, and supervisors know of his conduct, which acts to reduced or eliminated vulnerability to exploitation, manipulation, or duress. The mitigating condition in AG ¶ 17(e) applies.

### **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(a):

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

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

I considered the potentially disqualifying and mitigating conditions in light of all the facts and circumstances surrounding this case. The debts incurred were not the types that indicate poor self-control, lack of judgment, or unwillingness to abide by rules and regulations. Money was not spent frivolously. The debts set forth in the SOR were not incurred on luxuries. The majority were incurred when both Applicant and his now ex-wife were on active duty in the Air Force. After they left active duty, they experienced financial problems due in part to establishing two separate household many states apart. Their financial problems were increased by the separation and later divorce.

Unable to secure the job Applicant hoped to obtain, he returned to school living on G.I. educational benefits and state unemployment compensation. Unable to pay the debts mainly incurred when he and his wife were a couple, both he and his ex-wife sought bankruptcy protection. He now has a fresh start and is able to meet his current financial obligations.

The issue is not simply whether all his debts are paid—they were not paid but discharged in bankruptcy—it is whether his financial circumstances raise concerns about his fitness to hold a security clearance. (See AG ¶ 2 (a)(1).) It is noted the discharge of the debts is a recent event. Applicant’s income and expenses have remained fairly constant. In April 2014, his monthly vehicle payments increased by \$415 when he purchased a two-year old car. But his vehicle payments decreased by \$322, when his girlfriend agreed to take over the payments because she wished to keep the vehicle and not trade it in on the new vehicle.

Applicant’s relationship with his girlfriend appears to be stable. The only time they have been apart in the last few years was the time when he was attempting to reconcile with his ex-wife. He is not living beyond his means and is meeting his monthly living expenses. He maintains two credit cards with zero balances as an emergency fund should the need arise and realizes that he must pay cash for anything he wants.

Applicant and his live-in girlfriend were involved in adult sexual conduct on the web. When notified that this was inappropriate, Applicant discontinued the conduct. He had earlier sought guidance and was told there was no guideline against such conduct. Relying on this advice from an authorized person with his company he occasionally continued the activity until told of the Government’s concern, at which point he stopped all further such activity. His conduct cannot be a source of improper pressure or duress.

Overall, the record evidence leaves me without questions or doubts about Applicant’s eligibility and suitability for a security clearance. I conclude Applicant mitigated the security concerns arising from his financial considerations, sexual behavior, and personal conduct.

### **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, Financial Considerations:	FOR APPLICANT
Subparagraphs 1.a - n:	For Applicant
Subparagraph 1.o:	Withdrawn
Subparagraph 1.p:	For Applicant
Paragraph 2, Sexual Behavior:	FOR APPLICANT
Subparagraphs 2.a and 2.b:	For Applicant
Paragraph 3, Personal Conduct:	FOR APPLICANT
Subparagraph 3.a:	For Applicant

## **Conclusion**

In light of all of the circumstances presented by the record in this case, it is clearly consistent with the national interest to grant Applicant a security clearance. Eligibility for access to classified information is granted.

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CLAUDE R. HEINY II  
Administrative Judge