



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



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| In the matter of: |) | |
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| XXXXXXXXXXXXXXXXXX |) | ISCR Case No. 12-06918 |
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| |) | |
| Applicant for Security Clearance |) | |

Appearances

For Government: Pamela C. Benson, Esquire, Department Counsel
For Applicant: *Pro se*

09/17/2013

Decision

HOWE, Philip S., Administrative Judge:

On February 2, 2012, Applicant submitted her Electronic Questionnaire for Investigative Processing (e-QIP). On January 15, 2013, the Department of Defense (DoD) issued Applicant a Statement of Reasons (SOR) detailing security concerns under Guidelines F (Financial Considerations) and E (Personal Conduct). The action was taken under Executive Order 10865, *Safeguarding Classified Information within Industry* (February 20, 1960), as amended; Department of Defense Directive 5220.6, *Defense Industrial Personnel Security Clearance Review Program* (January 2, 1992), as amended (Directive); and the adjudicative guidelines (AG) effective within the Department of Defense on September 1, 2006.

Applicant acknowledged receipt of the SOR on January 28, 2013. She answered the SOR in writing on February 19, 2013, and requested a hearing before an administrative judge. Defense Office of Hearings and Appeals (DOHA) received the request on February 21, 2013. Department Counsel was prepared to proceed on April 30, 2013, and I received the case assignment on May 2, 2013. DOHA issued a Notice of Hearing on June 7, 2013, and I convened the hearing as scheduled on June 24,

2013. The Government offered Exhibits 1 through 10, which were received without objection. Applicant testified and did not submit any exhibits at the hearing. She requested additional time to submit documents. I granted her until July 17, 2013. Then she sought an extension until August 2, 2013 to submit those exhibits. I granted the time. DOHA received the transcript of the hearing (Tr.) on July 8, 2013. On August 2, 2013, she submitted Exhibits A to F, without objection. The record closed on August 2, 2013. Based upon a review of the pleadings, exhibits, and testimony, eligibility for access to classified information is denied.

Findings of Fact

In her Answer to the SOR, Applicant admitted the factual allegations in ¶¶ 1.a, 1.b, and 1.c of the SOR, with explanations. She denied the factual allegations in ¶¶ 1.d to 1.i of the SOR because she claimed she paid the debts or was paying them on an installment plan. Applicant admitted ¶¶ 2.a to 2.d and denied ¶¶ 2.e because she was unaware of the debt, having already paid it, according to her. She also provided additional information to support her request for eligibility for a security clearance.

Applicant is 46 years old and divorced three times. She disclosed on her e-QIP that she married someone after graduating from high school, but she cannot remember the divorce date or anything else about that marriage. She married the first husband that she remembers in 1993 and divorced him in April 1999. Applicant married her second husband in July 2001 and divorced him in November 2007. Now she lives with her second former husband who recently obtained a job. She does not have any children born to her. She does have a 20-year-old stepson whose college education she helps support financially. Applicant works in the security field for defense contractors and is currently a security officer. She has been so employed for 30 years. She currently holds a security clearance. (Tr. 9-19, 40, 61, 63; Exhibits 1, 2, 9)

Applicant has seven delinquent debts totaling \$14,258 listed in the SOR. She filed Chapter 7 bankruptcy twice, once in 1998 and again in 2009 (Subparagraphs 1.a and 1.b) as she was being divorced. Applicant received a discharge order from the Bankruptcy Court in both cases. Her seven current debts resulted after her discharges. Applicant's first bankruptcy involved \$82,536.98 of debt. Her second bankruptcy showed \$150,000 in financial liabilities that were discharged. (Tr. 20-23; Exhibits 1, 5, 6, C)

Applicant owed an automobile finance company \$5,276 on a lien filed against her in 2002 (Subparagraph 1.c). This lien resulted from a 1997 lawsuit by the lender for the balance due on an auto loan. The car was repossessed. This debt was included in Applicant's 1998 Chapter 7 bankruptcy. It is specifically listed in Schedule F of the bankruptcy petition. Therefore, the discharge order prohibited collection of this debt and it should have been removed from her credit record and the state lien file. This debt is resolved by the 1998 bankruptcy. (Tr. 22-25; Exhibits 2-4, 10, A, B)

Applicant owes two debts to a cable television provider (Subparagraphs 1.d and 1.e). Those debts are for \$31 and \$215 and were referred for collection in 2011. These debts were paid with money orders in February and March 2013. They are resolved. (Tr. 27, 28, 68-70; Exhibits 2-4, 10, A, D)

Applicant owed \$505 to an electric power provider for an unpaid bill since 2011 (Subparagraph 1.f). This debt is paid, according to the July 11, 2013 letter provided by Applicant after she received it from the service provider. This debt is resolved. (Tr. 29, 41, 68-70; Exhibits 2-4, 10, A, F)

Applicant owed a collector \$181 for an account owed to another power company since 2010 (Subparagraph 1.g). This debt was paid with money orders in February 2013. This debt is resolved. (Tr. 30, 41, 68-70; Exhibits 2-4, 10, A, E)

Applicant owes \$8,024 to a credit union for a motorcycle loan (Subparagraph 1.h). Her former husband was supposed to pay this debt but did not do so. Applicant is the co-signer of the loan and is responsible for its repayment. Applicant attempted to repay the loan on an installment payment plan when she contacted the credit union on June 28, 2013, and July 5, 2013. However, the credit union rebuffed her efforts because the loan is now charged off on their records. Applicant set up an account to take \$200 from each of her paychecks to go into an escrow account and use that to repay this loan after she persuades the credit union to revive the loan. This debt is not resolved, but Applicant is attempting to do so. (Tr. 33, 49, 66, 67; Exhibits 2-4, 10, A, G)

Applicant owes \$422 to a collector seeking the payment of a cellular telephone bill (Subparagraph 1.i). This debt Applicant paid by telephone on June 28, 2013. She is waiting for a repayment letter from the creditor showing the zero dollar balance. This debt may be resolved but without any documentary confirmation it cannot be determined. (Tr. 34, 48; Exhibits 2-4, 10, A, G)

Applicant's personal financial statement submitted in October 2012 shows a net remainder monthly income of \$1,147. Her former husband now works after being unemployed for several years. He earns \$2,000 monthly and has for the past three months. That \$2,000 could be added to Applicant's net remainder income showing they have a substantial discretionary amount each month, which could be used to repay the motorcycle debt. Applicant does not have any credit cards. Her cars do not have any loans on them. Applicant has a medical debt from a hospitalization spanning 2012 and 2013, but she has medical insurance that should resolve that debt. (Tr. 43-47; Exhibits 2-4, 10, A; Answer attachment)

Applicant's credit record shows a \$540 payday loan debt that was not listed in the SOR, but Applicant is not aware of any judgment or debt owed to that company. She contacted them and was told there is no debt currently owed. The debt was paid by a garnishment between 2010 and 2011. Applicant claimed not to be aware of the garnishment when the money was taken from her paycheck. Applicant completed a Proof of Claim and Release Form for a refund of the payday loan payments on February

15, 2013, because she thought she paid this debt twice. This debt is resolved by the garnishment. (Tr. 43-47; Exhibits 2-4, 10, A; Answer attachment)

Applicant had a domestic violence charge filed against her by the local police in March 2004 after she had a fight with her second husband. She pled guilty to disturbing the peace and was fined. The domestic altercation was the third incident at Applicant's address, the other two being September 2002 and June 2003. These first two incidents were not charged in the SOR. Both of the earlier altercations were resolved without arrests. Applicant disclosed the 2004 incident on her e-QIP. (Tr. 50-55; Exhibits 1, 7)

Applicant was arrested in July 2008 for domestic violence after she and her divorced second husband again had an argument. This charge was a felony under state law. Her husband pushed her into a table on which a cake plate was located. The plate fell and broke, and she arose from the floor with a piece of it in her hand with which she cut her husband on the arm. The charge was reduced to disorderly conduct, a misdemeanor, and she was fined \$75 with \$66 for court costs. This incident was disclosed on Applicant's e-QIP. Applicant fought with her husband because of his crack cocaine addiction. She now claims he is rehabilitated but did not present any drug evaluation documents to verify her claim. (Tr. 50-55, 75; Exhibits 1, 2, 7, 8)

In November 2009 Applicant had a bad check charge filed against her for insufficient funded checks cashed at a grocery store. Applicant claims her former husband wrote the checks on her checking account so she was liable, according to the local court. The checks were paid in full. Applicant disclosed this charge on her e-QIP. (Tr. 50-55; Exhibits 1-3)

Applicant received a written warning from her employer in January 2010 for failing to call her supervisor while on an extended period of time off from work. Her employer deducted the days off work from her paycheck. Applicant explained that the fighting with her former husband and his harassment of her took a toll on her strength and ability to deal with life. She also lost her home in foreclosure, and was diagnosed with lupus. These situations caused her to take an extended leave from work for which she apparently did not have continuing permission, hence the written warning. Applicant did disclose this matter on her e-QIP in Section 13A. (Tr. 51, 55; Exhibits 1, 2)

Applicant did not disclose on her e-QIP in "Section 26-Financial Record" any information regarding judgments and liens filed against her, defaults, repossessions, collection agencies seeking payments, suspension of accounts or credit cards, garnishments, over 120 days delinquency of paying debts, all in the past seven years. Applicant did disclose the foreclosure of her home as part of her 2009 Chapter 7 bankruptcy. She also stated in her e-QIP she had many loans that were in default but they were listed in her bankruptcy. She did not list any delinquent debts or other financial irregularities after 2009. Applicant explained in the additional comments section of the e-QIP that she "made bad choices when it comes to finances and men. I have answered everything to the best of my knowledge. If I have missed anything, it is definitely not because I am hiding it." Applicant testified that she "is not focused on

money.” The SOR allegation referred to the payday loan debt and the debts from Subparagraph 1.d to 1.h as not being disclosed. Applicant did disclose the payday loan and stated in the e-QIP she paid off the loan before a judgment was rendered against her. That statement is not accurate when compared to the facts, but Applicant further testified she listed the debts she knew. She also stated she thought her debts were charged off in the 2009 bankruptcy, which she listed on her e-QIP. Applicant claimed she had nothing to hide because everything would come out in the investigation anyway. (Tr. 35, 47, 50-57; Exhibits 1-4, 10)

Applicant repeatedly denied knowledge of current debt delinquency up to the time she received the SOR. Her testimony was that she had not taken action to repay her small delinquent debts but could not explain why she procrastinated. She did admit she procrastinates on a number of issues in her life. Her demeanor, financial history, and testimony disclosed Applicant did not monitor her finances well. She does not have a savings account. (Tr. 43, 49, 64; Exhibit 2)

Applicant’s Answer contained two character statements from her supervisors. One writer knew Applicant for 20 years and worked with her. She rated her abilities as a security officer very highly and recommended her for this security clearance. The other person has known Applicant since 1990 and worked closely with her on a variety of tasks and functions. He stated she works well under pressure and has exceeded his expectations in the work place during the time they have known each other. He ranks her in the top small percent of people with whom he has worked who can perform the tasks required repeatedly under sometimes difficult time deadlines and circumstances. Both persons are senior directors in their corporation. (Answer attachments)

Policies

When evaluating an applicant’s suitability for a security clearance, the administrative judge must consider the adjudicative guidelines (AG). In addition to brief introductory explanations for each guideline, the adjudicative guidelines list potentially disqualifying conditions and mitigating conditions, which are useful 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 (AG ¶ 2(a)). 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 national 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. Likewise, I have avoided drawing inferences grounded on mere speculation or conjecture.

Under Directive ¶ E3.1.14, the Government must present evidence to establish controverted facts alleged in the SOR. Under Directive ¶ E3.1.15, an “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 access to classified information. 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 information.

Section 7 of Executive Order 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 *also* EO 12968, Section 3.1(b) (listing multiple prerequisites for access to classified or sensitive information).

Analysis

Guideline F, Financial Considerations

The security concern relating to the guideline for Financial Considerations is set out in AG ¶ 18:

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.

The guideline at AG ¶ 19 contains nine disqualifying conditions that could raise security concerns. Four conditions are applicable to the facts found in this case:

(a) inability or unwillingness to satisfy debts;

(b) indebtedness caused by frivolous or irresponsible spending and the absence of any evidence of willingness or intent to pay the debt or establish a realistic plan to pay the debt;

(c) a history of not meeting financial obligations; and

(e) consistent spending beyond one's means, which may be indicated by excessive indebtedness, significant negative cash flow, high debt-to-income ratio, and/or other financial analysis.

Applicant accumulated \$14,258 in delinquent debt from 2010 to the present time that remained unpaid when the SOR was issued. Applicant has seven delinquent debts listed in the SOR. She also filed Chapter 7 bankruptcy twice, the first time in 1998 and the second in 2009. Those bankruptcies included \$82,536.98 of debt in the first one and about \$150,000 of debt in the second one. Applicant demonstrated a repeated inability to pay her debts, a history of not meeting her financial obligations, accumulating indebtedness by irresponsible spending and not having any realistic plan to repay her debts during the past 15 years, half of her work life. Applicant consistently spent beyond her means as shown by the large amount of debt she had discharged in the two bankruptcies and a high debt-to-income ratio. She now lives with her second husband with whom she accumulated the debts discharged in the second bankruptcy. These four disqualifying conditions apply.

The guideline in AG ¶ 20 contains six conditions that could mitigate security concerns arising from financial difficulties. Two conditions may be applicable:

(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; and

(d) the individual initiated a good-faith effort to repay overdue creditors or otherwise resolve debts.

Applicant paid six of the seven debts listed in the SOR. She ceased procrastinating about them and focused on making regular payments before the hearing occurred. She admitted she procrastinated in resolving her current series of delinquent debts. The auto repossession debt was included in her 1998 bankruptcy and is barred by federal law from collection. She established an escrow account to repay the motorcycle loan at her credit union even though that organization says the loan was charged off and they cannot collect it now. Therefore, there are clear indications from the evidence she presented that the current financial problems are under control after she received the SOR and being resolved. AG ¶ 20 (c) has partial application.

Applicant was able to focus her efforts before the hearing to pay all but the motorcycle debt. Based on her current progress in repaying her delinquent debt of about \$8,000, it is likely Applicant will have this debt paid in less than two years. She

intends to pay the remaining debt as she paid the other six debts. AG ¶ 20 (d) applies because of Applicant's good-faith efforts to repay her delinquent debts.

However, Applicant has filed Chapter 7 bankruptcy twice and now lives with the former husband with whom she incurred substantial debt that had to be discharged in the second bankruptcy. There have not been any discernible differences in her pattern of behavior after the second bankruptcy. She continues to accumulate delinquent debts with the presence of her former second husband in her home. The possibility of losing her security clearance propelled her to resolve the delinquent debts listed in the SOR. This repeat pattern of conduct does not exhibit good judgment by Applicant. The mitigating conditions must be tempered in the context of Applicant's financial history.

Guideline E, Personal Conduct

AG ¶ 15 expresses the security concern pertaining to personal conduct:

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.

The following will normally result in an unfavorable clearance action or administrative termination of further processing for clearance eligibility:

- (a) refusal, or failure without reasonable cause, to undergo or cooperate with security processing, including but not limited to meeting with a security investigator for subject interview, completing security forms or releases, and cooperation with medical or psychological evaluation; and
- (b) refusal to provide full, frank and truthful answers to lawful questions of investigators, security officials, or other official representatives in connection with a personnel security or trustworthiness determination.

AG ¶ 16 describes conditions that could raise a security concern and may be disqualifying. Two conditions apply:

- (a) deliberate omission, concealment, or falsification of relevant facts from any personnel security questionnaire, personal history statement, or similar form used to conduct investigations, determine employment qualifications, award benefits or status, determine security clearance eligibility or trustworthiness, or award fiduciary responsibilities; and
- (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, or (2) while in another country, engaging in any activity that is illegal in that country or that is legal in that country but illegal in the United States and may serve as a basis for exploitation or pressure by the foreign security or intelligence service or other group.

The SOR alleges Applicant deliberately did not disclose her past financial problems to mislead the government. Applicant also had three criminal activities in which she was involved between 2004 and 2009, two or more involving fights with her second husband, and a bad check charge caused by her husband writing insufficient funded checks on her account. She also received a written warning from her employer for failing to telephone her supervisor when she took off work time in January 2010. Her record also contains two domestic altercations before the 2004 incident that were not disclosed on the e-QIP.

However, examining the e-QIP reveals Applicant did disclose some of her past financial problems in answering various questions, including Section 26, and in the general statement block at the end of the form, to put the government on notice she had past financial problems. She disclosed her latest bankruptcy, the foreclosure of her home, and her payday loan problem, which she claimed was solved before she completed the e-QIP. However, as an experienced security officer, she admitted that she knew the background investigation would reveal anything else in her history. The e-QIP is a full disclosure document, not an appetizer for the government's investigation. Applicant must disclose all her history in response to the specific questions. She knew that based on her 30 years' experience, but chose not to comply.

Applicant also disclosed three criminal charges made against her over the past nine years. She did not disclose the written warning from her employer in 2010. Nor did she disclose the 2002 and 2003 domestic incidents. Applicant also exhibited a lack of attention to her finances by her demeanor and testimony. She was clearly burdened by her former husband's crack cocaine addiction while they were married. Applicant's two bankruptcies demonstrate her inability to manage her money. Now she has resolved the seven debts she accumulated since 2010, except for one of them where the creditor does not seem to know how to accept her payments. Applicant thought her debts were resolved by the latest bankruptcy though they occurred after 2009 and she claims she was unaware of the garnishment. That attitude shows a serious lack of awareness of her finances that lead to the two prior bankruptcies. The pattern currently repeats itself.

For a security officer with 30 years' experience to claim there was no deliberate falsification demonstrated by Applicant when completing the e-QIP stretches credulity. Applicant's history of financial problems and attempt to appear oblivious to her current delinquent debts makes it clear the lack of disclosure was deliberate. AG ¶ 16 (a) applies.

Her criminal offenses involved personal conduct that could create a vulnerability to exploitation, manipulation, or duress that could affect her professional standing in the community. As a security officer, she should not have engaged in physical altercations with her former husband. AG ¶ 16 (e) applies.

AG ¶ 17 provides conditions that could mitigate security concerns. None of the seven conditions apply.

(a) the individual made prompt, good-faith efforts to correct the omission, concealment, or falsification before being confronted with the facts;

(b) the refusal or failure to cooperate, omission, or concealment was caused or significantly contributed to by improper or inadequate advice of authorized personnel or legal counsel advising or instructing the individual specifically concerning the security clearance process. Upon being made aware of the requirement to cooperate or provide the information, the individual cooperated fully and truthfully.

(c) the offense is so minor, or so much time has passed, or the behavior is so infrequent, or it happened under such unique circumstances that it is unlikely to recur and does not cast doubt on the individual's reliability, trustworthiness, or good judgment;

(d) the individual has acknowledged the behavior and obtained counseling to change the behavior or taken other positive steps to alleviate the stressors, circumstances, or factors that caused untrustworthy, unreliable, or other inappropriate behavior, and such behavior is unlikely to recur;

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

(f) the information was unsubstantiated or from a source of questionable reliability; and

(g) association with persons involved in criminal activity has ceased or occurs under circumstances that do not cast doubt upon the individual's reliability, trustworthiness, judgment, or willingness to comply with rules and regulations.

Applicant did not promptly correct her omissions from the e-QIP. Her experience should have told her what she needed to write on the application. AG ¶ 17 (a) does not apply.

There is no evidence of any legal counsel or authorized person telling Applicant she did not have to disclose certain financial and personal conduct matters. AG ¶ 17 (b) does not apply.

Applicant's criminal justice and disciplinary problems occurred between 2002 and 2010. The earliest incidents are nearly 10 years old but there is a pattern of conflict with her second husband with whom she now cohabitates. That situation creates a strong potential for a repeat of the previous pattern of physical altercations. Applicant claims her former husband is no longer addicted to cocaine but did not supply any documents to support that statement. His earlier crack-cocaine addiction was the underlying cause of the stress on Applicant. That stress also led to the 2010 time off from work and the written warning from her employer. The events were serious, too little time has passed since they occurred, and the circumstances are not unique given Applicant's history. They are likely to recur and they cast doubt on Applicant's current reliability, good judgment, and trustworthiness. AG ¶ 17 (c) does not apply.

Applicant admitted the past incidents and the only action she took to alleviate the stress she claimed she suffered was to divorce her second husband when he was an active drug addict. Now he lives with her again and has for some time. Applicant did not obtain any counseling for her problems with finances or her former husbands. Her past behavior is likely to recur based the previous history of conduct. AG ¶ 17 (d) does not apply.

Applicant has not taken any positive steps to reduce or eliminate vulnerability to exploitation, manipulation, or duress. She procrastinates on paying her delinquent debts. She cohabitates with the same person who caused her stress and involvement with the local police authorities between 2002 to 2009, thereby setting the stage for further incidents if he has not rehabilitated himself from his cocaine addiction. AG ¶ 17 (e) does not apply.

AG ¶ 17 (f) does not apply because the information has been substantiated and was from reliable sources.

AG ¶ 17 (g) may not apply because Applicant lives with her former second husband who was involved with cocaine while they were married. He also got into domestic altercations with her resulting in police contact and court dispositions.

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 an applicant's conduct and all the 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.

AG ¶ 2(c) requires each case must be judged on its own merits. 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. Applicant has 30 years of employment history in her security officer duties for her employer. She knew what she had to disclose on the e-QIP because she has done them before and her duties include making certain other employees complete their e-QIP properly. Her explanations for why she did not disclose her finances and complete criminal history are not credible.

The pattern of conduct is serious and repeated. It is recent and included knowledgeable participation. She is a mature adult in these occurrences. Applicant has not shown any rehabilitation of her actions or permanent behavioral changes. She again allowed her debts to accumulate and she lives with the person that caused her legal problems while they were married. There is a likelihood of recurrence based on Applicant's history in the past decade.

The two character statements show Applicant can handle stressful situations with calm professionalism at work. But her private actions show a pattern of a lack of good judgment. The actions of her second husband, and the divorces from both her husbands, caused her repeated financial and legal problems. Examining the total of Applicant's adult life, her finances, and the reasons for her criminal justice incidents, it is clear that Applicant lacks good judgment and is not reliable in her personal conduct.

Overall, the record evidence leaves me with questions and doubts as to Applicant's eligibility and suitability for a security clearance. For all these reasons, I conclude Applicant did not mitigate the security concerns arising from her financial considerations and personal conduct. I conclude the whole person concept against her.

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:

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| Paragraph 1, Guideline F: | AGAINST APPLICANT |
| Subparagraphs 1.a to 1.b: | Against Applicant |
| Subparagraphs 1.c to 1.g, 1.i: | For Applicant |

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| Subparagraph 1.h: | Against Applicant |
| Paragraph 2, Guideline E: | AGAINST APPLICANT |
| Subparagraphs 2.a to 2.e: | Against Applicant |

Conclusion

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

PHILIP S. HOWE
Administrative Judge