



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



In the matter of:)
)
-----) ISCR Case No. 12-11805
)
Applicant for Security Clearance)

Appearances

For Government: Eric Borgstrom, Esq., Department Counsel
For Applicant: Shawn C. Graham, Esq.

01/28/2016

Decision

HARVEY, Mark, Administrative Judge:

Applicant’s statement of reasons (SOR) alleges nine debts totaling \$91,149. On October 8, 2015, he owed \$65,205 in delinquent student loan debt. He has not made any voluntary payments to any SOR creditors since 2011. In 2013, his income was \$147,000, and at that time he was unmarried, had no children, and did not cite any extraordinary circumstance that would have rendered him unable to voluntarily pay his SOR creditors anything. He did not make sufficient progress on his finances. Financial considerations security concerns are not mitigated. Access to classified information is denied.

History of the Case

On June 6, 2012, Applicant completed and signed an Electronic Questionnaires for Investigations Processing (e-QIP) (SF 86). (Government Exhibit (GE) 1) On May 26, 2015, the Department of Defense (DOD) Consolidated Adjudications Facility (CAF) issued an SOR to Applicant pursuant to Executive Order (Exec. Or.) 10865, *Safeguarding Classified Information Within Industry*; DOD Directive 5220.6, *Defense Industrial Personnel Security Clearance Review Program* (Directive); and the adjudicative guidelines (AG), which became effective on September 1, 2006.

The SOR detailed reasons why the DOD CAF could not find under the Directive that it is clearly consistent with the national interest to grant or continue a security clearance for him, and recommended referral to an administrative judge to determine

whether a clearance should be granted, continued, denied, or revoked. (Hearing Exhibit (HE) 2) Specifically, the SOR set forth security concerns arising under the financial considerations guideline.

On June 29, 2015, Applicant responded to the SOR. On August 3, 2015, Department Counsel was ready to proceed. On August 7, 2015, the Defense Office of Hearings and Appeals (DOHA) issued a notice of hearing, setting the hearing for August 27, 2015. (HE 1) The hearing was held as scheduled. During the hearing, Department Counsel offered 6 exhibits; Applicant offered 14 exhibits; and all exhibits were admitted without objection. (Transcript (Tr.) 12-14; GE 1-6; Applicant Exhibit (AE) A-N)

On September 10, 2015, I received a transcript of the hearing. The record was scheduled to close on September 25, 2015. (Tr. 128) On September 24, 2015, I granted an extension until October 25, 2015. (AE O) On October 23, 2015, Applicant provided 12 additional exhibits and one hearing exhibit (Applicant's counsel's statement), which were admitted without objection. (HE 4; AE O-Z) On October 29, 2015, Department Counsel provided his written closing argument. (HE 5) The record closed on October 29, 2015.

Findings of Fact

In Applicant's SOR response, he acknowledged owing all of the debts in the SOR at some point in time. (HE 2) He also provided some extenuating and mitigating information. (HE 2) His admissions are accepted as findings of fact.

Applicant is a 44-year-old field system engineer, who has been employed by defense contractors since 2009. (Tr. 12, 79) In 1988, he graduated from high school, and in 1990, he joined the Army. (Tr. 15-16) After four years active Army service, he transferred to a state National Guard. (Tr. 18) He served two overseas tours, one in Germany in the early 1990s, and one in 2006-2007 in Afghanistan. (AE M at 1, 9) He served in the active guard and reserve program for 10 years. (Tr. 25) From 2006 to 2008, he deployed to Afghanistan for about 18 months, where he trained Afghan National Police. (Tr. 26-29; AE M) Applicant earned a Combat Action Badge (CAB) for calling in mortars to protect his base, which was under attack from the Taliban. (Tr. 27-28) He said he was awarded a Meritorious Service Medal¹ and Army Commendation Medal (ARCOM) for his service during the Afghanistan deployment. (Tr. 28-29) In 2009, he qualified for reserve retirement after 20 years of honorable military service as a sergeant first class (E-7). (Tr. 11, 25, 29, 66; AE K) He received separation pay of \$32,163. (AE M at 1) He has the equivalent of 16 years active duty service. (Tr. 30)

After retirement from the Army, he deployed as a contractor to Afghanistan for 10 months. (Tr. 32) He returned to the United States for about 30 days; received employment from another defense contractor; and he returned to Afghanistan for another 12-month deployment. (Tr. 33)

¹Applicant was confronted with his DD Form 214, which did not reflect award of a Meritorious Service Medal. (Tr. 113) Appellant explained he may have erred about receiving this award. (Tr. 114)

In June 2011, Applicant began his employment at an Army installation. (Tr. 37) He deployed to Afghanistan as a defense contractor from April 2013 to October 2013. (Tr. 38-39) In 2012, the Department of Veterans Affairs (VA) awarded him a 40 percent disability rating for ringing in his ears and tension headaches. (Tr. 63) His current VA payment is \$567 monthly. (Tr. 63) In 2012, Applicant's income was about \$73,000. (Tr. 70) In 2013, Applicant's served six months in Afghanistan, and his income was \$147,687. (Tr. 64-65) In 2014, Applicant's income was \$64,948. (Tr. 65, 101) From 2010 to 2014, Applicant was deployed overseas for 28 months. (Tr. 106) In September 2015, he was hired by another defense contractor, and his hourly wage is \$41. (HE 4) He needs a security clearance to maintain his current employment. (HE 4)

Applicant has held a security clearance from 1989 to present. (Tr. 16) He has not had any proven incidents of compromise of classified information or spillage. (Tr. 31, 66)² From 1996 to about 1998, he attended college and majored in electronics engineering technology. (Tr. 20, 120) He accrued about \$25,000 in student loans. (Tr. 20) In 1997, he married, and in 2001, he divorced. (Tr. 23) His live-in girlfriend is expecting a baby in December 2015. (Tr. 68) He does not have any other children. (Tr. 68-69)

Financial Considerations

Applicant's history of delinquent debt is documented in his credit reports, SF 86, SOR response, and hearing record. Applicant's SOR alleges nine debts totaling \$91,149. Applicant has not made any voluntary payments to any of the SOR creditors since 2011. (Tr. 114) The only payments made were interceptions by the Internal Revenue Service (IRS) of his federal tax refunds. (Tr. 114)

Applicant's June 6, 2012 SF 86 revealed the following information about his student loan delinquent debt: (1) he contacted the Department of Education (DOE) about his student loans and learned he owed about \$55,000; (2) the DOE intercepted a \$29,000 tax refund and applied \$10,000 towards principal and the remainder for interest and penalties; (3) Applicant wrote the DOE questioning the allocation; and (4) Applicant could not afford the payments DOE sought. (GE 1) He also disclosed he owed debts to the creditors in SOR ¶¶ 1.c through 1.g and 1.i. Applicant said the debt in SOR ¶ 1.c was excessive; he lacked the funds to pay the debt in SOR ¶ 1.d; he did not recognize the debts in SOR ¶¶ 1.e and 1.i; he was trying to get his former spouse to pay the judgment in SOR 1.f; and he was contesting the debt in SOR ¶ 1.g because he did not believe he was responsible for the travel expenses. (GE 1)

In 2001, Applicant purchased a home in state A for \$122,500. (Tr. 41-43) In 2003 or 2004, he refinanced the house and used the additional money to pay his credit-card debts. (Tr. 43) On January 7, 2002, his spouse provided a quit claim deed to Applicant. (Tr. 42; AE E) Applicant attempted to sell the home in 2008; however, he was unable to

²At the time of Applicant's hearing, he was under investigation for an alleged transfer of pornography files in July 2015 onto government computers on a closed-loop classified network. (Tr. 80, 83, 87-88, 107-112) Applicant denied wrongdoing, and this allegation is not considered against him for any purpose. (Tr. 80, 118) At the time of his hearing, Applicant was on unpaid leave status. (Tr. 81)

do so because of the decline in real estate market values. (Tr. 43) He was never late more than 30 days on his mortgage payment, and he was current at the time of his hearing. (Tr. 53; AE F) He needed to move from state A for reasons of post-military retirement employment. At the time of his hearing, he had a tenant living in his home; however, the rent only covered about half of his house payment. (Tr. 62-63) At the time of Applicant's hearing, he was considering selling his home in state A. (Tr. 69-70) On October 6, 2015, Applicant attended settlement on the sale of his home in state A for \$170,000. (AE R) Applicant's net after paying seller's closing costs was \$40,595. (AE R) On October 8, 2015, Applicant provided a \$40,000 cashier's check to his lawyer to hold in escrow for use to settle his debts. (AE S; HE 4)

SOR ¶¶ 1.a (\$37,833) and 1.b (\$24,341) are student loan debts. Applicant said he owed about \$58,000 to \$64,000 on his student loans. (Tr. 44, 48-49) In 2008 and 2009, he said he paid \$800 monthly to address his student loans. (Tr. 44-45) He said he was working with his bank to obtain proof of those payments. (Tr. 44-45) Applicant said he was unable to make payments after he left active duty. (Tr. 45) In 2011 after returning from Afghanistan, he planned to "negotiate the debt" using his pay and tax refund. (Tr. 45) On May 20, 2011, the Internal Revenue Service (IRS) notified Applicant that the IRS intercepted his \$18,790 tax refund, and it was applied to his student loan debt. (Tr. 45-46; AE C) About \$7,500 was applied to the principal, and the remainder was applied to the interest and penalties owed. (Tr. 47) On March 1, 2013, the IRS again intercepted his \$6,756 tax refund and applied it to his student loan debt. (Tr. 47; AE D) On July 22, 2013, the collection agent for DOE notified Applicant that his principal balance was \$44,020; his interest owed was \$803; and his penalty charges were \$10,910. (Tr. 48; AE B) On October 8, 2015, the balance of the debt was \$65,205. (HE 4; AE V) The interest rate on the student loan is 4.625 percent. (HE 4; AE V) He has not attempted to set up a payment plan from 2011 to October 2015. (Tr. 49, 98) In October 2015, the student loan creditor offered to settle the debt for \$44,765, and Applicant has decided to settle the debt. (HE 4) Applicant had until December 22, 2015, to settle the debt. (HE 4) In sum, aside from the two garnishments by the IRS in 2011 and 2013, there is no evidence of any payments made to address his student loan debt of \$65,205.

SOR ¶ 1.c (\$4,385), ¶ 1.d (\$3,448), ¶ 1.e (\$1,960), and ¶ 1.i (\$6,723) are three charged-off credit-card bank debts and one credit-card collection account, which became delinquent when Applicant left active duty in August 2009. (Tr. 50-53, 55, 93) Applicant has not received recent notice that the creditors are seeking repayment of the debts. (Tr. 51-54) SOR ¶ 1.i was sold or transferred, and his credit report shows a zero balance owed to the creditor. (Tr. 56) He has not received IRS Form 1099s for any of the four debts. (Tr. 92-93) On September 8, 2015, he contacted the creditor for the debt in SOR ¶ 1.i, and he learned the debt is now \$8,015. (HE 4; AE U) He has not made any payments on the four credit-card debts. (Tr. 94) He said he intends to pay them once he has the means to do so. (Tr. 94)

SOR ¶ 1.f (\$5,201) resulted in December 2005, when Applicant's former spouse sued him in small claims court and obtained a judgment. (Tr. 57; AE G) The suit was filed because she believed the allocation of credit-card debt in the divorce was unfair.

(Tr. 100) Interest accrues at the rate of 10 percent annually. (AE G) Applicant has no information about follow-up action to enforce the judgement through placing a lien on his property or garnishing his pay. (Tr. 58) He did not make any payments on the debt. (Tr. 100) He has not been in contact with his former spouse. (Tr. 58)

SOR ¶ 1.g (\$5,224) is a claimed debt from Applicant's employer. Applicant quit after 10 months of his 12-month Afghanistan deployment because he had a dispute with another contractor employee. (Tr. 34) The contractor employee threatened to kill Applicant. (HE 4) He submitted his resignation while he was still in Afghanistan. (Tr. 34-35) His employer made flight arrangements for Applicant's return to the United States, and did not tell Applicant he would be billed for the flight costs. (Tr. 35) After he returned to the United States, his former defense employer advised Applicant that he would be billed for the travel expenses because he was not an employee at the time of the travel. (Tr. 35-36) Applicant refused to pay for his travel, and the defense employer sent the debt to the credit reporting companies. The debt is not indicated on Applicant's 2015 credit report. (Tr. 59; GE 6) From 2012 to August 2015, he did not take any action to resolve the debt. (Tr. 73) Applicant's employment contract included a clause indicating his repayment obligation may be excused. (HE 4; AE W; AE Y; AE Z) On August 28, 2015, Applicant wrote the creditor and disputed his responsibility for the debt in SOR ¶ 1.g. (HE 4; AE T)

According to Applicant, SOR ¶ 1.h (\$2,034) is a duplicate of one of his other debts. (Tr. 54) It is not listed on his current credit report. (Tr. 54; GE 6) However, his earlier credit reports show the debt is an account that originated from a student loan. (Tr. 116; GE 3 at 2; GE 6 at 2) I find this debt is merged into his other student loan debt. (Tr. 119)

In 2004, Applicant was on active duty, and he was seriously injured in a motorcycle accident. (Tr. 60-61) The government paid for Applicant's medical care. (Tr. 62) Applicant was unable to work for about eight months. (Tr. 62) He spent about \$8,000 on two vacations outside of the United States. (Tr. 77) He has not received financial counseling. (Tr. 95) At the time of his hearing, he had not filed his federal income tax return for 2014. (Tr. 96) He has not filed tax returns where he is employed and living for the last several years because he is claiming residency in state A. (Tr. 102-103) Applicant said he lacked the means to pay his debts. (Tr. 104) He planned to eventually consolidate and pay his debts. (Tr. 104)

Character Evidence

Applicant provided certificates and recommendations for several ARCOMs and Army Achievement Medals (AAM). (AE M) He also provided a 1996 Reserve Officer Training Corps (ROTC) certificate of appreciation. (AE M) He received an ARCOM for providing lifesaving CPR and first aid to a soldier severely injured in an accident on July 12, 1998. (AE M at 27-28) In 2007, he received a Non-Article Five North Atlantic Treaty Organization (NATO) Medal. (AE M at 33) Applicant received excellent evaluations for work as a defense contractor. (AE N)

Two coworkers wrote that Applicant shows integrity, professionalism, and knowledge. (SOR response) He conscientiously protects classified information. (SOR response) Their statements support continuation of his security clearance.

Applicant's Certificate of Release or Discharge from Active Duty (DD Form 214) shows the following awards and badges: one Global War on Terrorism Service Medal (GWTSM); one CAB; one Afghanistan Campaign Medal (ACM); five ARCOMs; five AAMs; one Army Good Conduct Medal (AGCM); two Overseas Service Ribbons (OSR); one Armed Forces Reserve Medal (AFRM) with M Device; three Noncommissioned Officer Professional Development Ribbons (NCOPDR); two Army Reserve Components Achievement Medals (ARCAM); one Army Service Ribbon (ASR); two National Defense Service Medals (NDSM); and one Driver and Mechanic Badge. (AE M at 1-2)

Policies

The U.S. Supreme Court has recognized the substantial discretion of the Executive Branch in regulating access to information pertaining to national security emphasizing, "no one has a 'right' to a security clearance." *Department of the Navy v. Egan*, 484 U.S. 518, 528 (1988). As Commander in Chief, the President has the authority to control access to information bearing on national security and to determine whether an individual is sufficiently trustworthy to have access to such information." *Id.* at 527. The President has authorized the Secretary of Defense or his designee to grant applicant's 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), as amended.

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

The Government reposes a high degree of trust and confidence in persons with access to classified information. This relationship transcends normal duty hours and endures throughout off-duty hours. Decisions include, by necessity, consideration of the possible risk the applicant may deliberately or inadvertently fail to safeguard classified information. Such decisions entail a certain degree of legally permissible extrapolation about potential, rather than actual, risk of compromise of classified information. Clearance decisions must be "in terms of the national interest and shall in no sense be a determination as to the loyalty of the applicant concerned." See Exec. Or. 10865 § 7. This decision is not based, in whole or in part, on any express or implied determination about applicant's allegiance, loyalty, or patriotism. Thus, any decision to deny a security clearance 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.

Initially, the Government must establish, by substantial evidence, conditions in the personal or professional history of the applicant that may disqualify the applicant from being eligible for access to classified information. The Government has the burden of establishing controverted facts alleged in the SOR. See *Egan*, 484 U.S. at 531. “Substantial evidence” is “more than a scintilla but less than a preponderance.” See *v. Washington Metro. Area Transit Auth.*, 36 F.3d 375, 380 (4th Cir. 1994). The guidelines presume a nexus or rational connection between proven conduct under any of the criteria listed therein and an applicant’s security suitability. See ISCR Case No. 95-0611 at 2 (App. Bd. May 2, 1996).

Once the Government establishes a disqualifying condition by substantial evidence, the burden shifts to the applicant to rebut, explain, extenuate, or mitigate the facts. Directive ¶ E3.1.15. An applicant “has the 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 burden of disproving a mitigating condition never shifts to the Government. See ISCR Case No. 02-31154 at 5 (App. Bd. Sep. 22, 2005). “[S]ecurity clearance determinations should err, if they must, on the side of denials.” *Egan*, 484 U.S. at 531; see AG ¶ 2(b).

Analysis

Financial Considerations

AG ¶ 18 articulates the security concern 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.

AG ¶ 19 provides two disqualifying conditions that could raise a security concern and may be disqualifying in this case: “(a) inability or unwillingness to satisfy debts;” and “(c) a history of not meeting financial obligations.” Applicant’s history of delinquent debt is documented in his credit reports, SF 86, SOR response, and hearing record. Applicant’s SOR alleges, and the evidence establishes nine debts totaling about \$90,000. On October 8, 2015, his \$65,205 in student loan debt was delinquent. The Government established the disqualifying conditions in AG ¶¶ 19(a) and 19(c) requiring additional inquiry about the possible applicability of mitigating conditions.

Five 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;³ 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.

The Appeal Board concisely explained Applicant's responsibility for proving the applicability of mitigating conditions as follows:

Once a concern arises regarding an Applicant's security clearance eligibility, there is a strong presumption against the grant or maintenance of a security clearance. See *Dorfmont v. Brown*, 913 F. 2d 1399, 1401 (9th Cir. 1990), *cert. denied*, 499 U.S. 905 (1991). After the Government presents evidence raising security concerns, the burden shifts to the applicant to rebut or mitigate those concerns. See Directive ¶ E3.1.15. The standard applicable in security clearance decisions is that articulated in *Egan, supra*. "Any doubt concerning personnel being considered for access to classified information will be resolved in favor of the national security." Directive, Enclosure 2 ¶ 2(b).

³The Appeal Board has previously explained what constitutes a "good faith" effort to repay overdue creditors or otherwise resolve debts:

In order to qualify for application of [the "good faith" mitigating condition], an applicant must present evidence showing either a good-faith effort to repay overdue creditors or some other good-faith action aimed at resolving the applicant's debts. The Directive does not define the term "good-faith." However, the Board has indicated that the concept of good-faith "requires a showing that a person acts in a way that shows reasonableness, prudence, honesty, and adherence to duty or obligation." Accordingly, an applicant must do more than merely show that he or she relied on a legally available option (such as bankruptcy) in order to claim the benefit of [the "good faith" mitigating condition].

(internal citation and footnote omitted) ISCR Case No. 02-30304 at 3 (App. Bd. Apr. 20, 2004) (quoting ISCR Case No. 99-9020 at 5-6 (App. Bd. June 4, 2001)).

ISCR Case No. 10-04641 at 4 (App. Bd. Sept. 24, 2013).

Applicant has one \$65,205 delinquent student loan. AG ¶¶ 1.a (\$37,833), 1.b (\$24,341), and 1.h (\$2,034) are all student loans that are merged into SOR ¶ 1.a, which is a \$65,205 delinquent student loan debt. AG ¶¶ 1.b and 1.h are found for Applicant.

AG ¶ 20(e) applies to the debt in SOR ¶ 1.g which Applicant's former employer alleged Applicant owed for transportation from Afghanistan back to the United States. Applicant has reasonably disputed the debt.

Applicant also receives some credit because of variations in income, decline of the real estate market in state A, and needing to move to a different state for employment. Resolving debts is more difficult while deployed overseas. These are all circumstances beyond his control which adversely affected his finances. He did not receive financial counseling.

When Applicant submitted his June 6, 2012 SF 86, he revealed that he was aware of the debts in SOR ¶¶ 1.a through 1.g and 1.i. The only payment made after he submitted this SF 86 was the tax refund the IRS intercepted in 2013. On May 26, 2015, the SOR was issued, and Applicant learned that his failure to file his tax returns raised a security concern. He has made some progress discovering how he can settle some debts; however, as of the close of the record, no payments were made to his SOR creditors. Financial considerations security concerns are not mitigated.

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 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.

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 have incorporated my comments under Guideline F in my whole-person analysis. Some of the factors in AG ¶ 2(a) were addressed under Guideline F, but some warrant additional comment.

Applicant has achieved important employment goals, demonstrating some self-discipline, responsibility, and dedication; however, this evidence is insufficient to mitigate security concerns. Applicant is a 44-year-old field system engineer, who has been employed by defense contractors since 2009. He honorably served in the Army for 20 years, and he retired as a sergeant first class. He served two overseas tours, including one in Afghanistan. He has the equivalent of 16 years active duty service. In 2012, the VA awarded him a 40 percent disability rating. From 2006 to 2014, Applicant was deployed to Afghanistan for 46 months. Applicant is credited with mitigating SOR ¶¶ 1.b, 1.g, and 1.h.

Applicant provided a 1996 ROTC certificate of appreciation. Applicant received excellent evaluations for work as a defense contractor. Two coworkers lauded Applicant's character, and their statements support continuation of his security clearance.

Applicant has earned the following awards and badges: one GWTSM; one CAB; one ACM; five ARCOMs; five AAMs; one AGCM; two OSRs; one AFRM with M Device; three NCOPDRs; two ARCAMS; one ASR; two NDSMs; and one Driver and Mechanic Badge. One of his ARCOMs was for providing lifesaving CPR and first aid to a soldier seriously injured in an accident. In 2007, he received a Non-Article Five NATO Medal.

The adverse financial information is more significant. Applicant owes about \$90,000 of delinquent debt. On October 8, 2015, he owed \$65,205 in delinquent student loan debt. He did not make any voluntary payments to any SOR creditors since 2011. In 2013, his income was \$147,000, and at that time he was unmarried, had no children, and did not cite any extraordinary circumstances of sufficient magnitude to render him unable to voluntarily pay his SOR creditors anything. He did not make sufficient progress on his finances.

I have carefully applied the law, as set forth in *Egan*, Exec. Or. 10865, the Directive, and the AGs, to the facts and circumstances in the context of the whole person. Financial considerations concerns are not mitigated.

Formal Findings

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

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

Conclusion

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

MARK HARVEY
Administrative Judge