



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



In the matter of:)
)
-----) ISCR Case No. 14-00223
)
)
Applicant for Security Clearance)

Appearances

For Government: Fahryn Hoffman, Esquire, Department Counsel
For Applicant: *Pro se*

10/30/2014

Decision

HOWE, Philip S., Administrative Judge:

On September 11, 2013, Applicant submitted his Electronic Questionnaire for Investigations Processing (e-QIP; SF 86). On March 13, 2014, 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 March 18, 2014. He answered the SOR in writing on April 16, 2014, and requested a hearing before an administrative judge. Defense Office of Hearings and Appeals (DOHA) received the request no later than April 30, 2014. Department Counsel was prepared to proceed on June 16, 2014, and I received the case assignment on June 19, 2014. DOHA issued a Notice of Hearing on June 26, 2014, and I convened the hearing as scheduled on July 22, 2014.

The Government offered Exhibits 1 through 9, which were received without objection. Applicant testified on his own behalf and submitted Exhibits A through C, without objection. DOHA received the transcript of the hearing (Tr.) on August 4, 2014. I granted Applicant's request to keep the record open until August 12, 2014, to submit additional matters. On August 11, 2014, he submitted Exhibits D to J, without objection. The record closed on August 12, 2014. Based upon a review of the pleadings, exhibits, and testimony, eligibility for access to classified information is granted.

Findings of Fact

In his Answer to the SOR Applicant admitted the factual allegations in Subparagraphs 1.a, 1.b, 1.d to 1.f, 1.h, 1.i, 1.n to 1.q, and Subparagraphs 2.a and 2.b of the SOR, with explanations. He denied the factual allegations in Subparagraphs 1.c, 1.g, 1.j to 1.m, and 2.c of the SOR. He also provided additional information to support his request for eligibility for a security clearance.

Applicant is 30 years old and married. He does not have any children. He works for a defense contractor, having started work in 2013. He earns about \$69,000 annually. Applicant obtained a bachelor's degree in electrical engineering in 2006. He was awarded a master's degree in information technology between 2008 and 2010. Applicant had a security clearance while working for a previous employer, a U.S. Navy component for whom he worked from July 2009 until July 2013. (Tr. 82, 83, 85, 222; Exhibits 1, 3)

Applicant has 17 delinquent debts listed in the SOR. They total \$73,846.91. Applicant paid some of them, and disputes the remainder of them. He has some installment payment agreements with certain creditors. Applicant has resolved or is resolving \$58,241.05 of the delinquent debt (12 debts listed in Subparagraphs 1.a, 1.b, 1.d, 1.f, 1.h, 1.j to 1.p). He has not resolved five debts totaling \$14,615.91 (Subparagraphs 1.c, 1.e, 1.g, 1.i, and 1.q). (Tr. 23-146; Exhibits 1-9, A-J)

The debt listed in SOR Subparagraph 1.a for \$20,302 is for a student loan reduced to judgment in September 2011. The loan originated in 2006. Applicant claims he pays \$100 monthly on it without a written agreement. He was paying a collection agency but they told Applicant they could not collect the debt any longer for legal reasons and transferred the collection effort back to Sallie Mae, the student loan lender. The document submitted by Applicant shows a \$100 payment in November 2011. He also submitted an exhibit showing \$100 payments from his bank account in 2014. This debt is being resolved. (Tr. 102, 103, 112-114; Exhibits 3, 6, E; Answer attachment)

The delinquent student loan debt in SOR Subparagraph 1.b for \$25,000 Applicant alleges is the same debt as Subparagraph 1.a. The debts are the same. It is being resolved. (Tr. 102, 103, 112-114; Exhibits 3, 6, E; Answer attachment)

Applicant contends the telephone debt for \$929 listed in Subparagraph 1.c is fraudulent and he has not paid it. He submitted a police report in August 2013 alleging a

credit check he performed showed a cell telephone account and an apartment complex lease in another state that he denied opening. The police complaint was for fraud. No suspects were found, according to the report. This debt is not paid and is not resolved by Applicant because of the fraud allegation. The credit report of September 2013 shows this account is in dispute. (Tr. 131, 132; Exhibits 2, 3, 9, D; Answer attachments)

The bank debt in Subparagraph 1.d for \$518 Applicant acknowledges and is paying through a consolidation process at his bank. He pays \$300 monthly to resolve three debts, including this one. Applicant negotiated an agreement with the creditor evidenced by one of his exhibits. This debt is resolved by Applicant's payment of the entire amount on August 1, 2014. (Tr. 63, 131; Exhibits 2, 3, 9, D, E, H)

Applicant claims at the hearing that the electric utility debt for \$232 listed in Subparagraph 1.e is paid. In his subsequent exhibits he stated this electrical account was attached to the Heights Armour apartment lease and is not paid because of the fraud involved. This debt is not resolved. (Tr. 132; Exhibits 2, 3, 9, D; Answer attachments)

The debt for \$2,147 owed to a pay day loan lender since 2006, as listed in Subparagraph 1.f, Applicant claims is paid. He submitted an exhibit with his Answer showing payments in 2011 and 2012 but not later than those dates. After the hearing he submitted a document from the collector showing the debt was settled for an undisclosed amount and it was paid in full. (Tr. 69, 132; Exhibits 2, 3, 9, D, I; Answer attachments)

The delinquent debt listed in Subparagraph 1.g for \$10,383 is owed on an apartment lease for the Heights Armour apartments. He denies completing the apartment lease application in June 2009 and stating on it that he made \$95,000 annually as a nuclear engineer. Applicant claimed this debt originated because of identity theft against him, primarily because the lessee of the apartment had a middle initial of "A" and Applicant's middle initial is "C". He stated he never lived in that apartment in 2009. His e-QIP shows he was in that state from January to August 2008, not in 2009. Applicant asserted he was in graduate school in another state when this lease was signed. This debt is not owed by Applicant. (Tr. 23-26, 132-145, 171, 172; Exhibits C; Answer attachments)

Applicant submitted a court order dismissing a garnishment against him for an apartment at the Ashby Parks complex in the same state and a ruling that the debt is not owed by Applicant. He submitted these documents because the lease was for the same time as the Heights Armour Apartment lease. His theory is that he could not have lived in the same city in two apartments at the same time and that he is the victim of identity theft. (Tr. 23-26, 26, 132-139, 169-177; Exhibits C; Answer attachments)

Applicant admits he owed \$6,157 on an apartment lease, which he did co-sign for a friend as alleged in Subparagraph 1.h for an apartment at Copper Beach South. His friend could not afford the lease and shortly after moving into the apartment moved

out and did not tell Applicant. Applicant has been paying this debt at the rate of \$150 monthly. He is attempting to get his friend to start paying the debt which has a balance of about \$5,800. (Tr. 140-145, 171-173; Exhibits 3, C)

In Subparagraph 1.i Applicant owes \$1,394 on a cable television debt. Applicant claimed in his Answer and at the hearing this debt was paid in September 2010. His subsequent exhibits state that the account he had was paid in full, but the creditor did not have an account number that matched the one Applicant had. Applicant concludes this account as listed in the SOR is fraudulent and seeks to have it removed from his credit record. The account is not resolved as it is alleged in the SOR. (Tr. 146; Exhibits 2, 3, 9, D; Answer attachments)

Applicant has four debts owed to the same cellular telephone company. They are listed in the SOR in Subparagraph 1.j (\$1,244), 1.k (\$881), 1.l (\$881), and 1.m (\$601). Applicant has not repaid the debts because he claims he does not owe them. He stated when he talks to the company representatives they say he is not supposed to pay the debts, but they continue on his credit reports. He submitted a dispute letter on February 14, 2013, but there is no documentation showing the response to that dispute. These debts are not resolved as of the date of the hearing. Applicant's subsequent exhibits show he agreed to pay \$994.86 starting in August 2014 at the rate of \$165.81. Another exhibit shows that amount being deducted from his bank account on August 11, 2014. The debts are now being resolved. (Tr. 147, 148, 197; Exhibits 2, 3, 9, D, E, F; Answer attachments)

Applicant stated in his Answer and at the hearing he is paying the utility debt for \$192 in Subparagraph 1.n. His post-hearing exhibits show the debt was paid by a deduction from his bank account on August 11, 2014, in the amount of \$192.05. This debt is resolved. (Tr. 149; Exhibits 2, 3, 9, D, E; Answer)

Applicant owes \$154 on a cable television account listed in Subparagraph 1.o. He paid this debt on August 12, 2014, by deduction from his bank account. It is resolved. (Tr. 149; Exhibits 2, 3, 9, D, E; Answer)

Applicant owes a collector \$615 listed in Subparagraph 1.p for unpaid rent. Applicant missed some payments for his apartment from 2010 to 2012 while assisting his father with payments on medical accounts. Applicant paid between \$500 and \$600 monthly for five-or-six months during that time period to his father. He was also using his income to repay other debts during that time so that when he did pay his rent he incurred late fees. Applicant paid this apartment rent debt and the balance was zero as of March 2014. This debt is resolved. (Tr. 149-151; Exhibits 2, 3, 9, D, E)

The final debt owed by Applicant is to a bank in the amount of \$1,677.91 for an account in collection (Subparagraph 1.q). At the hearing Applicant discussed this debt as it pertains to the travel credit card he had at a previous job, for which he was counseled, at least, by the previous employer and was the subject of the U.S. Navy's security concern. His wife used it for her personal shopping. Applicant testified about

sending two cashier's checks in 2012 to repay this debt. According to Applicant's explanation both checks were refused for different reasons by the creditor. He also attempted to pay by electronic transfer from his bank account. He assumed the debt was paid. At the hearing Applicant also stated there were three credit cards issued by this bank in his name. One was fraudulently issued, one was issued to him in the regular course of extending him a credit card account, and the third was the government travel card. Then, in his exhibits submitted subsequent to the hearing, Applicant claimed this bank debt was for an account he had in college. He purchased a computer with the account but never received the credit card. Applicant wrote in his exhibit that the bank does not have this account in its system, but when it does he will make payments to resolve this account. The personal account was opened in 2006 and has a 2009 credit report balance due of \$2,283. That amount is also shown in the U.S. Navy's Statement of Reasons issued in December 2012. The government travel debt is paid and resolved based on the documents in Applicant's Answer, but the second bank card issued by this same bank is not resolved according to his subsequent exhibits. The debt alleged in the SOR is not resolved because of Applicant's statement and the amount owed is closer to the account shown on the 2009 credit report. Neither debt is shown on the 2013 credit report. (Tr. 31-38, 151-156, 183-189; Exhibits 2, 3, 4, 5, 9, D; Answer attachments)

Applicant purchased a car in 2008 for \$31,750. He paid that car loan in full and the account is closed. He also paid an automobile loan he had from 2006 in the amount of \$22,022. A third automobile is shown on his 2013 credit report being purchased in 2003 for \$29,835 and the account was paid and closed. Applicant had sufficient funds to pay for these purchases while other financial obligations became delinquent. (Exhibits 2, 9)

When he completed an e-QIP on July 20, 2009 he answered, "yes," to the same question, found in Paragraph 13c, for two periods of employment. First, he disclosed that in August 2008 he was fired from his job for "mishandling and communication of medical records" after the physician he found diagnosed him with cancer and ordered expensive additional tests. When his employer attempted to verify the physician and his diagnosis, his office was closed and he could not be found. Applicant subsequently found a reputable physician who found no cancer in Applicant. Second, in July 2007 Applicant stated he quit a job before being fired because his lack of seniority meant he could not be transferred when his "team was dissolved" by his employer at that time. (Tr. 49-60; Exhibits 1, 7, 8)

Then, in May 2009, on a "Declaration for Federal Employment," Applicant answered Question 12, which asked if, in the past five years, he had been fired from a job for any reason, quit after being told he would be fired, left a job because of specific problems, or was he debarred from Federal employment by the Office of Personnel Management or any other Federal agency, with a "yes" answer. He explained on the following page that in July 2007 he resigned because of departmental issues "caused for downsize of employees" and in August 2008 he was "dismissed miscommunication and mishandling of medical records." (Tr. 49-60, 162, 163; Exhibits 1, 7, 8)

In answering the questions in Section 13a of the e-QIP on the security clearance application he submitted in 2013 Applicant did not disclose that his employment departure in 2008 was a termination. That answer varies from two previous government documents asking the same question. (Tr. 49-60 162-165; Exhibits 1, 7, 8)

Applicant testified that his answers in 2009 were incorrect because while he was accused by his employer in 2008 of seeking treatment from a physician who submitted a false claim to the insurance company, he made an innocent mistake. The physician could not be located by the company's human resources department, so the company considered the medical request inadequate and mishandled. His contract with the company expired at the same time so he thought he was not terminated, just subject to the expiration of the contract. The contact person in 2013 advised him to answer "no" then because he was not actually terminated. Applicant did not provide any evidence of that person or the advice beyond his testimony. Applicant denied he falsified his answers on these three documents or was inconsistent. (Tr. 49-60, 161-166; Exhibits 1, 3, 7, 8)

Applicant was counseled in 2012 about the misuse of his government travel card. The card was used for personal purchases by Applicant's wife. The amount due was thought by Applicant to be the subject of the SOR allegation in Subparagraph 1.q. (Tr. 31-38,122,123, 155-158; Exhibits 3-5)

In December 2012 the U.S. Navy Consolidated Adjudication Facility (CAF) issued a document stating its intent to revoke Applicant's security clearance over concerns with his delinquent debts, including the failure to promptly pay his government charge card for expenditures incurred by his wife who used the government credit card while shopping and traveling between two states. She spent over \$1,100 on that trip. Applicant claims he had a credit card issued by the same bank and his wife confused the two cards. He eventually made payment in full after several unsuccessful attempts due to various banking errors. (Tr. 125, 154-158; Exhibits 4-6)

Applicant and his wife attended and completed a Dave Ramsey financial planning course in April 2014. He also submitted a monthly cash flow plan and an "allocated spending plan" for June 2014 through August 2014. These documents show Applicant's income and his expenditures for those months, demonstrating a plan to control his spending. (Tr. 28, 190, 191; Exhibits A, B, J)

Applicant submitted a performance award from his employer for a specific company project. It is not dated. (Exhibit G)

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. Two conditions are applicable to the facts found in this case:

- (a) inability or unwillingness to satisfy debts; and
- (c) a history of not meeting financial obligations.

Applicant accumulated \$73,846.91 in delinquent debt from 2006 to the present time that remained unpaid. Applicant has 17 delinquent debts listed in the SOR.

The guideline in AG ¶ 20 contains six conditions that could mitigate security concerns arising from financial difficulties. Three conditions may be 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;
- (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; and

(f) the affluence resulted from a legal source of income.

Applicant is currently paying three quarters of his debts in an orderly manner. He completed a financial counseling course with his wife. He submitted his monthly spending sheets and other exhibits showing he is taking control of his spending while paying his debts. He paid over \$58,000 of the SOR-listed debts by making full payments of smaller debts and arranging installment payments of his student loans, which constitute the bulk of the debts. He has only five debts that are being disputed because of the identity theft he asserts as the cause of those financial problems. Those five debts total \$14,615.91, and he can arrange to resolve them in the near future should he be found responsible for them. Therefore, there are clear indications from the evidence he presented that the finance advisory course has produced the required effect and his financial problems are under control and being resolved. AG ¶ 20 (c) applies.

Applicant paid or is paying on the installment basis 12 debts of the 17 listed in the SOR. He engaged in a concerted effort to repay his delinquent debts in the past year. AG ¶ 20 (d) applies because of Applicant's good-faith efforts to repay his delinquent debts.

Applicant disputed a rental agreement (\$10,383) and a telephone bill (\$929) relating to an apartment in a city in which he never lived. He also disputes the utility bill (\$232) connected with the lease to that apartment. He also disputes a cable television bill (\$1,394). AG ¶ 20 (e) applies to those allegations.

The other mitigating conditions do not apply.

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. Three conditions may 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;

(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; and

(f) violation of a written or recorded commitment made by the individual to the employer as a condition of employment.

Applicant was counseled about his wife's unauthorized use of his government travel card for personal purchases in 2012. In 2008 Applicant was dismissed from his then employment because his employer decided he had submitted a miscommunication and mishandling of medical records problem. The situation arose because Applicant sought medical treatment from a physician he found who, later appeared to be fraudulent and had vanished so the employer could not verify the service and charges for medical treatment.

Applicant completed three applications for federal employment and/or a security clearance between 2009 and 2013. On the first two documents he admitted he had been fired or terminated from previous employment in 2008. In 2013 his e-QIP did not contain that admission. AG ¶ 16 (a) applies because of the variance in information disclosed on the three forms.

Applicant's unauthorized use of the government travel card by his wife for her personal purchases is conduct, and concealment of that conduct until confronted by his superiors in 2008 about that use, creates a vulnerability to exploitation, manipulation, or

duress that if known would adversely affect Applicant's personal, professional, and community standing. AG ¶ 16 (e) applies.

Applicant's mishandling of his government travel charge card is a violation of his recorded commitment to the employer as a condition of employment to use that card for official travel only. Not securing the card properly and allowing his wife to go into his wallet and take the card, then use it for her personal purchases on a trip, makes AG ¶ 16(f) apply. This disqualifying condition also applies in the situation of Applicant submitting medical records for treatment from a physician who could not be located by his employer to verify the diagnosis and treatments for which payment was sought. This conduct violates an implied condition of employment of truthfulness and non-fraud.

AG ¶ 17 provides conditions that could mitigate security concerns:

(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 made the proper disclosures on the first two job and security applications in 2009. He relied on the advice of his company advisor to make the disclosure on the second application in 2009. Then, in 2013, for his current job, he again asked his assigned point of contact for advice on how to answer the job termination question in Section 13a of the e-QIP. Applicant relied on that advice, which has now rebounded to his detriment. The advice was that his prior job endings were not firings or terminations. Applicant should have been consistent in his disclosures and answered the 2013 e-QIP the same way he did the earlier ones. However, there is no deliberate attempt to falsify his answer because he relied on the current advice from his company to make the answer that he was not fired or terminated. AG ¶ 17 (b) applies.

Applicant's situation with his previous employers and the termination of his job was four years ago and occurred under unique circumstances, with contract employment and a medical claim that is unlikely to recur. The fact of two previous consistent disclosures, his wife's use of the government travel card, and the counseling for that unauthorized use, are also unique circumstances that have not recurred in the past four years. These actions, particularly because he relied on the advice of a company point of contact to make his answer in 2013, do not cast doubt on Applicant's reliability, trustworthiness, or good judgment. AG ¶ 17 (c) applies.

Applicant has taken positive steps to reduce his vulnerability to coercion, exploitation, or duress by better managing his personal finances, taking a financial counseling course, repaying delinquent debts, and understanding that he should make full disclosures when asked on a government application, even if he is in doubt about whether his facts fit into the question. 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 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 had delinquent debts that he struggled to pay, in part because he was not focused on establishing a regular method to repay them. He let them languish. Now he understands the need to properly manage his income and control expenses. He took the initiative to obtain a financial counseling course. He arranged repayment of three-fourths of his delinquent debt. He contested the remaining five debts.

His past employment termination questions are now resolved. Applicant knows he must be consistent in his answers or explain variances at the time he makes inconsistent answers to the same questions on government application. There was no intent to deceive or falsify the answer to the 2013 e-QIP question about past job terminations. It is obvious from his explanations at the hearing that Applicant made a good-faith effort to obtain proper guidance as to how to answer the termination question after reflecting on the relevant facts.

Overall, the record evidence leaves me without questions or doubts as to Applicant's eligibility and suitability for a security clearance. For all these reasons, I conclude Applicant mitigated the security concerns arising from his financial considerations and his personal conduct security concerns. I conclude the whole-person concept for Applicant.

Formal Findings

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

Paragraph 1, Guideline F:	FOR APPLICANT
Subparagraph 1.a to 1.q:	For Applicant
Paragraph 2, Guideline E:	FOR APPLICANT
Subparagraph 2.a to 2.c:	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 eligibility for a security clearance. Eligibility for access to classified information is granted.

PHILIP S. HOWE
Administrative Judge