



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



In the matter of:)
)
) ISCR Case No. 14-01545
)
Applicant for Security Clearance)

Appearances

For Government: Stephanie C. Hess, Department Counsel
For Applicant: *Pro se*

11/21/2015

Decision

MATCHINSKI, Elizabeth M., Administrative Judge:

As of September 2014, Applicant owed about \$24,354 in child support arrearage. His federal student loans were in collection. An \$8,806 charged-off balance from 2012 for a repossessed vehicle had not been paid, and about \$3,803 in delinquent consumer debt was in collection status. Delinquent federal and state income tax returns for 2011 and 2012 have been filed, but concerns persist about his financial judgment. Clearance is denied.

Statement of the Case

On September 11, 2014, the Department of Defense Consolidated Adjudications Facility (DOD CAF) issued a Statement of Reasons (SOR) to Applicant, detailing the security concerns under Guideline F, Financial Considerations, and explaining why it was unable to find it clearly consistent with the national interest to grant or continue his security clearance eligibility. The DOD CAF took the action under Executive Order 10865, *Safeguarding Classified Information within Industry* (February 20, 1960), as amended; DOD Directive 5220.6, *Defense Industrial Personnel Security Clearance Review Program* (January 2, 1992), as amended (Directive); and the adjudicative guidelines (AG) effective within the DOD on September 1, 2006.

Applicant answered the SOR allegations on September 19, 2014, and he requested a hearing before an administrative judge from the Defense Office of Hearings and Appeals (DOHA). On November 3, 2014, Department Counsel provided Applicant with copies of the documents she intended to submit into evidence at his hearing. On June 8, 2015, the case was assigned to me to conduct a hearing to determine whether it is clearly consistent with the national interest to grant or continue a security clearance for Applicant. On June 29, 2015, I scheduled the hearing for July 30, 2015.

The hearing was convened as scheduled. Three Government exhibits (GEs 1-3) were admitted into evidence without objection. The Government's discovery letter to Applicant was marked as a hearing exhibit (HE), but was not entered as an evidentiary exhibit. Applicant testified and submitted six exhibits (AEs A-F), which were received in the record with no objections. A transcript (Tr.) of the hearing was received on August 7, 2015.

Summary of SOR Allegations

The SOR alleges that as of September 11, 2014, Applicant owed consumer collection or charged-off debt totaling \$15,957 (SOR ¶¶ 1.a-1.e, 1.h-1.i, 1.l-1.o); federal student loan debt in collection totaling \$14,660 (SOR ¶¶ 1.f-1.g, 1.j-1.k); and child support arrearage of \$24,354 (SOR 1.r.) Applicant allegedly also failed to file his federal and state income tax returns for tax years 2011 and 2012 (SOR ¶ 1.p-1.q).

Applicant filed a detailed response in which he admitted the debts and that he had filed late federal and state income tax returns for 2011 and 2012. He explained that his spouse had handled their finances when they were together. After his security investigation interview, he told her that they had to reduce household expenses to address old bills with a plan to repay their old debts starting in January 2014. After they separated in January 2014, he had to catch up on current obligations. He provided his spouse \$800 a month for her household expenses, but she used her PayPal account, which was linked to their joint account, for some expenses without his knowledge. Applicant indicated that he had opened a new account in mid-August 2014 into which his pay is deposited to give him sole control over his income. He took on a part-time job for extra income in April 2014 and obtained a housemate in June 2014. With the extra income, he projected that he would be almost caught up in his current bills by late October 2014 and could begin addressing his old debts in November 2014.

Findings of Fact

After considering the pleadings, exhibits, and transcript, I make the following findings of fact:

Applicant is 39 years old and has a bachelor's degree awarded in 1999. He served on active duty in the United States military from April 1999 to June 2007, when he was honorably discharged at the rank of captain. Applicant was unemployed from June 2007 to November 2007, when he began working as a program manager in the defense industry. He relocated to his present area in June 2009 for a defense contractor position in

acquisition support at a military base. He stayed in his position after another defense firm took over the program in March 2013. As of Applicant's security clearance hearing, Applicant's employer of record had lost the contract effective August 17, 2015.¹

Applicant and his spouse were married in July 2008. (GE 1.) They separated in January 2014. (AE A; Tr. 28.) They have no children together, but Applicant has a son, now age 15, from a previous relationship. (GE 1.)

Applicant had some financial issues before his marriage. A \$250 credit line opened in August 2005 with a credit union on base was charged off for \$223 in May 2008 (SOR ¶ 1.c). A credit card account opened in November 2004 was charged off and sold in August 2007 due to nonpayment since June 2007. In May 2012, a \$1,459 balance was in collection with the creditor in SOR ¶ 1.i. A credit card account opened in November 2004 with a high credit of \$914 was charged off in August 2008 with \$514 past due (SOR ¶ 1.i). (GEs 2, 3.)

When Applicant and his spouse were together, she handled their household finances. Applicant had his pay deposited into a joint account held with his wife. (AE A.) Applicant's spouse allowed some of Applicant's accounts to become delinquent, and she did not make payments on his older past-due accounts. A jewelry store account opened in November 2006 went to collections for \$614 in June 2010. As of August 2013, the unpaid balance was \$796 (SOR ¶ 1.d). A returned check charge of \$58 from December 2008 went unpaid (SOR ¶ 1.e). Applicant defaulted on a vehicle loan of \$22,914 opened in April 2007. The vehicle was repossessed around January 2012 and \$8,806 was charged off (SOR ¶ 1.h). Applicant also defaulted on federal student loans of \$1,268 from June 1997 and of \$5,500 from September 1997. As of August 2011, the accounts were in collection with respective balances of \$1,291 (SOR ¶ 1.k, possibly duplicated in SOR 1.g) and \$6,273 (SOR 1.j, possibly duplicated in SOR 1.f).² (GE 3.)

¹ Since Applicant was still being sponsored for a security clearance as of his July 30, 2015 hearing, I had jurisdiction to determine his security clearance eligibility. Applicant is hopeful that he will retain his position on the base, but he needs his security clearance. (Tr. 9-11.)

²The SOR alleges four federal student loans in collection for \$5,885 (SOR ¶ 1.f), \$1,211 (SOR ¶ 1.g), \$6,273 (SOR ¶ 1.j), and \$1,291 (SOR ¶ 1.k). Applicant admitted the four debts without explanation when he answered the SOR. Applicant was not asked about the debts at his hearing apart from my inquiry into whether he had made any payments. Available credit reports show that Applicant opened student loans in June 1997 and in September 1997, and that they have been transferred. Applicant's credit report of August 2013 (GE 3) shows that a student loan opened in June 1997 for \$1,268 had a past-due balance of \$1,291 as of August 2011. A \$1,268 student loan from June 1997 was separately reported as \$1,211 past due as of June 2013, "closed "paid collection," and in yet another listing, as having a zero balance as of April 2013 after transfer. As of March 2014 (GE 2), Equifax was reporting two separate balances for a loan of \$1,268 opened in June 1997: of \$1,211 as of February 2014 and of \$1,291 as of August 2011. Similarly, his August 2013 credit report shows that a student loan opened in September 1997 for \$5,500 had a collection balance of \$6,273 as of August 2011. Under a separate listing, a \$5,500 loan from September 1997 was reported as \$5,763 past due as of June 2013, but also as "paid collection." A \$5,500 student loan from September 1997 is separately listed as account transferred with a zero balance as of April 2013. As of March 2014, Equifax was reporting balances of \$6,273 as of August 2011 and of \$5,885 as of February 2014. SOR ¶ 1.f may be a duplicate listing of SOR ¶ 1.j. Similarly, SOR ¶ 1.g may be a duplicate listing of SOR ¶ 1.k.

On August 23, 2013, Applicant certified to the accuracy of an e-QIP. He responded affirmatively to whether he had failed to file or pay federal, state, or other taxes when required by law in the last seven years and indicated that he had not filed his federal (SOR ¶ 1.p) and state (SOR 1.q) income tax returns for 2011 and 2012. He explained that he thought his spouse had filed the returns and that he had plans to meet with a tax preparer in September 2013 to file the delinquent returns. Applicant also answered "Yes" to any delinquency involving enforcement in the last seven years. He reported that he owed about \$15,000 in delinquent child support because of the high cost of living in his area, excessive medical and mental health expenses for his spouse, and his spouse's unemployment. Concerning any efforts to satisfy the debt, Applicant stated, "Income tax refunds diverted to delinquent child support. Once spouse obtains steady employment, resumption of payments expected." Concerning any delinquency involving routine accounts, Applicant disclosed that his vehicle had been repossessed. He estimated his debt at \$5,000, but he was awaiting paperwork from the lienholder. Applicant responded "No" to the inquiries concerning any delinquency involving routine accounts in the last seven years, such as loans and credit cards. (GE 1.)

A check of Applicant's credit on August 29, 2013, revealed that his car loan had been charged off for \$8,806 in January 2012. Additionally, as of June 2013, he owed \$5,763 and \$1,188 on two defaulted student loans. He had several other outstanding collection debts on his record, which totaled \$5,575 (SOR ¶¶ 1.d-1.e, 1.i, and 1.m-1.o).³ The account in SOR ¶ 1.l showed a zero balance after being charged off. (GE 3.)

Applicant was interviewed for his background investigation. There is no report of that interview in the record. Applicant indicates that after his interview, he told his spouse that the government was concerned about his unpaid accounts, and that they needed to reduce household expenses to begin repaying old debts. Applicant and his spouse filed their delinquent federal and state tax returns for 2011 and 2012 around November 2013. He planned to begin repaying his delinquent accounts in January 2014. (Answer; Tr. 27.)

In mid-2013, Applicant's nephew, who was a high school student at the time, moved in with Applicant. (Tr. 29.) Applicant's spouse, who had been largely unemployed for years, began working in November 2013. She opened a separate account into which she deposited her pay. In January 2014, she separated from Applicant and moved out of their residence. Applicant agreed to pay his spouse \$800 a month for her expenses. He discovered after she left that some of their living expenses and other debts were not being paid. (AE A; Tr. 28.) In July 2013, their cable provider had placed an \$812 debt for collection (SOR ¶ 1.a) and their satellite television provider from 2011 placed a \$419 debt for collection (SOR ¶ 1.b). As of February 2014, Applicant had made no progress toward

³ Among the collection debts are a \$1,159 debt placed in June 2010 and reported as of November 2010 and a \$1,158 debt reported as of July 2013. The account numbers do not match any of the accounts in the trade section. It is noted that the account in SOR 1.l had a high credit of \$914 when it was transferred and sold, so the \$1,158 could be an updated balance, although there is no conclusive evidence in that regard. It may also be that the \$1,159 is a rounded-up figure and that the July 2013 listing was filed by a new assignee for the debt originally placed in June 2010.

his old debts because he had to catch up on current obligations. The jewelry store debt (SOR ¶ 1.d) had risen to \$823.⁴ (GE 2; Tr. 28-29.)

Applicant's spouse stopped working in February 2014. She retained access to their joint account into which his pay was deposited, with the understanding that she would transfer \$800 from the joint account into her account once a month. According to Applicant, his spouse transferred additional funds from the joint account without first notifying him. She also charged medical expenses, groceries, fuel, and other purchases using her PayPal account that was linked to their joint account. Applicant calculated that in addition to the \$800 per month he authorized, she took \$7,912 from their joint account between February 2014 and September 2014. (Answer; AE A; Tr. 28-31, 35.)

Applicant sold some of his possessions so that he could pay his rent of \$1,800 a month. (Tr. 30-32.) He made an effort to reduce expenses in that he terminated cable service and reduced his restaurant meals to once or twice a month. (Tr. 79-80.) In April 2014, Applicant started working a second job with a package delivery service. He worked 12-hour shifts on Saturdays and Sundays and netted \$150 or more each week. In June 2014, Applicant obtained a renter, which brought him \$600 each month to offset his spouse's withdrawals from their joint account. With the extra income, he was able to make some progress toward catching up on living expenses. In mid-August 2014, Applicant opened his own bank account so that his spouse would no longer have access to his income. (Answer; Tr. 32-33.)

In November 2014, Applicant's renter moved out. With the loss of the rental income, Applicant told his spouse that he could no longer afford to give her \$800 a month.⁵ (Tr. 34.) He netted \$5,647 in wages from his part-time job in 2014 (AE C) From January 2015 to July 2015, he gave his spouse about \$2,000 in \$50 to \$100 increments. (Tr. 33-36.)

As of September 2014, Applicant owed about \$24,354 in past-due child support. His wages were attached for child support before he moved to his current locale. After five to six years of no payments, the state "finally caught up with his employer" and began garnishing his wages in December 2014 at almost \$245 every two weeks. (AE B; Tr. 37-38, 70.) As of July 12, 2015, \$3,669 had been garnished for child support in 2015. (AE B.) His son came to live with him in mid-July 2015. (Tr. 41.) Applicant had not contacted the state about an adjustment in his child support payment as of late July 2015. He still owes a substantial arrearage. (Tr. 42.) Applicant does not know how much of the \$490 per month garnished from his wages for child support is going toward his arrearage. (Tr. 44.)

⁴ As of March 2014, it appears that the creditor in SOR ¶ 1.l may not be pursuing Applicant for a balance. Likewise, the credit report does not include the debts in SOR ¶¶ 1.m, 1.n, or 1.o. (GE 2.) The creditors allegedly owed the balances in SOR ¶¶ 1.n and 1.o are not named in the SOR, and I suspect that the debt in SOR 1.n is a duplicate listing of the debt in SOR ¶ 1.m. It is unclear whether Applicant owes additional student loan balances of \$6,273 (SOR ¶ 1.j) and \$1,291 (SOR ¶ 1.k) or whether they are duplicate listings of SOR ¶ 1.f and SOR ¶ 1.g.

⁵ Applicant has not filed for divorce because his spouse has mental health issues. She has been repeatedly hospitalized in the last three or four years. (Tr. 67.)

Applicant incurred high utility costs during January and February 2015 to keep his home warm. He is currently paying \$800 per month to his electric company because he fell behind three months in his payments. (Tr. 46.) Applicant pays approximately \$450 per month on a car loan that he opened in August 2013. As of February 2014, the balance was \$17,552.⁶ (GE 2.) In February 2014, he made a double payment, of \$868, because he was behind on a car payment. (Tr. 75.) Applicant has made no payments on his delinquent student loans. (Tr. 80.) He anticipates that he will be able to begin repaying his old debts in January 2016, but it is contingent on whether he is employed full time. (Tr. 63.)

Effective April 2014, Applicant's annual salary from his full-time job increased to \$97,423. (AE F.) As of mid-July 2015, after the garnishment for child support and other deductions, Applicant's take-home pay was about \$2,431 every two weeks. (AE B.) He had netted \$3,417 in total income from his part-time job in 2015. (AE C; Tr. 40.)

Applicant still provides a home for his nephew, a recent high school graduate. He receives no financial assistance from his sister for the costs of providing lodging, food, and school activities for her son. (Tr. 47-49.)

Applicant is considered a critical member of his team and its mission. (AEs E, F.) His supervisor, who has worked with him for six years, attests to Applicant's job performance being "absolutely consistently superior." To his knowledge, Applicant has not mishandled classified information. Likewise, a program manager, who had worked with Applicant for about 17 months as of July 2015, knows of no reason why Applicant should be denied security clearance eligibility. In his opinion, Applicant is "irreplaceable." (AE D.)

Policies

The U.S. Supreme Court has recognized the substantial discretion the Executive Branch has in regulating access to information pertaining to national security, emphasizing that "no one has a 'right' to a security clearance." *Department of the Navy v. Egan*, 484 U.S. 518, 528 (1988). When evaluating an applicant's suitability for a security clearance, the administrative judge must consider the adjudicative guidelines. In addition to brief introductory explanations for each guideline, the adjudicative guidelines list potentially disqualifying conditions and mitigating conditions, which are required to be considered in evaluating an applicant's eligibility for access to classified information. These guidelines are not inflexible rules of law. Instead, recognizing the complexities of human behavior, these guidelines are applied in conjunction with the factors listed in the adjudicative process. The administrative judge's overall 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

⁶ Applicant testified that he pays \$450 per month for his car. (Tr. 69.) Applicant's credit report shows a joint loan for \$17,552 opened in August 2013 with \$433 monthly payments, which is for his car. (Tr. 75.) His credit report shows a separate loan of \$10,238 opened in April 2011. Scheduled loan payments were \$345 per month. As of January 2014, the loan was \$239 past due. (GE 2.) Applicant testified that his spouse drove that vehicle until May 2014, when it was repossessed for her failure to make the \$300 monthly payments. (Tr. 31.)

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. Under Directive ¶ E3.1.14, the Government must present evidence to establish controverted facts alleged in the SOR. Under Directive ¶ E3.1.15, the applicant is responsible for presenting “witnesses and other evidence to rebut, explain, extenuate, or mitigate facts admitted by applicant or proven by Department Counsel. . . .” The applicant has the ultimate burden of persuasion to obtain a favorable security decision.

A person who seeks access to classified information enters into a fiduciary relationship with the Government predicated upon trust and confidence. This relationship transcends normal duty hours and endures throughout off-duty hours. The Government reposes a high degree of trust and confidence in individuals to whom it grants access to classified information. Decisions include, by necessity, consideration of the possible risk that 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. 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 about financial considerations is articulated 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.

Applicant has had a record of financial delinquency since at least August 2007, when he stopped paying on the \$1,459 credit card debt in SOR ¶ 1.i. In May 2008, his credit line in SOR ¶ 1.c was charged off for \$223. In June 2010, his revolving charge account with a jeweler was placed for collection for \$796 (SOR ¶ 1.d). A \$58 fee for a returned check from 2008 had not been paid (SOR ¶ 1.e). In January 2012, his auto loan was charged off for \$8,806 (SOR ¶ 1.h.). He also defaulted on his federal student loans. As of March 2014, he owed \$1,211 and \$5,885 on two direct loans opened in 1997 (SOR ¶¶

1.f, 1.g). More recently, in July 2013, satellite television and cable service debts of \$419 (SOR ¶ 1.b) and \$812 (SOR ¶ 1.a) were placed for collection. Applicant also admitted that he owed \$24,354 in past-due child support (SOR ¶ 1.r) as of September 2014.

Applicant has not disputed any of the debts in the SOR, although the latest available credit information from March 2014 (GE 2) shows that the lender in SOR ¶ 1.l may not be collecting that debt. Likewise, the credit report does not include the debts in SOR ¶¶ 1.m, 1.n, or 1.o. The creditors allegedly owed the balances in SOR ¶¶ 1.n and 1.o are not named in the SOR, and I suspect that the debt in SOR 1.n is a duplicate listing of the debt in SOR ¶ 1.m. It is unclear whether Applicant owes additional student loan balances of \$6,273 (SOR ¶ 1.j) and \$1,291 (SOR ¶ 1.k) or whether they are duplicate listings of SOR ¶ 1.f and SOR ¶ 1.g. Even assuming that these debts are all duplicate listings, AG ¶ 20(e) is only minimally applicable:

(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.

Disqualifying conditions AG ¶ 19(a), “inability or unwillingness to satisfy debts,” and AG ¶ 19(c), “a history of not meeting financial obligations,” are well established in this case.

Applicant’s spouse handled the finances when they were together. Applicant did not know that they were behind on some current bills. Yet, he knew as of his August 2013 e-QIP that he was behind in his child support, that he had lost a vehicle to repossession, and that he had not filed his federal and state income tax returns for 2011 and 2012. To the extent that AG ¶ 19(g), “failure to file annual Federal, state, or local income tax returns as required or the fraudulent filing of the same,” applies, Applicant testified credibly that he had filed his delinquent returns around November 2013, before the SOR was issued.

Mitigating condition AG ¶ 20(a), “the behavior happened so long ago, was so infrequent, or occurred under circumstances that it is unlikely to recur and does not cast doubt on the individual’s current, reliability, or good judgment,” cannot reasonably apply in this case. Applicant had not made any payments on his child support for some five or six years before the state began garnishing his wages in December 2014. His student loans have been in default for several years. The student loans in SOR ¶¶ 1.f and 1.g have reportedly been delinquent since November 2007. He has made no payment on the \$8,806 charged-off balance for the vehicle repossessed around 2011 (SOR ¶ 1.h). His credit card account in SOR ¶ 1.i has been in collection since 2009.

As for evidence of circumstances outside of his control that caused or contributed to his noncompliance with these obligations, Applicant testified that his spouse has mental health issues that have led to medical bills. Medically necessary care is a circumstance that could be mitigating under AG ¶ 20(b), which provides:

(b) the conditions that resulted in the financial problem were largely beyond the person's control (e.g., loss of employment, a business downturn, unexpected medical emergency, or a death, divorce or separation), and the individual acted responsibly under the circumstances.

However, Applicant did not provide evidence of the extent to which medical expenses compromised his and his spouse's household finances. Applicant has incurred unreimbursed food and school activity expenses for his nephew, who has lived with him since mid-2013. While the expenses for his nephew's care and the \$800 in monthly spousal support in 2014 may well have been reasonable under the circumstances, Applicant did not act responsibly within AG ¶ 20(b) by waiting for the state to catch-up with his employer to garnish his wages for child support, by defaulting on his federal student loans, or by failing to file his income tax returns on time for two years. He did not exercise sound financial judgment when he continued to allow his spouse to withdraw amounts well in excess of the \$800 per month arranged for her support.

In Applicant's favor, he took on a part-time job for extra income to pay past-due bills after his spouse moved out. He obtained a housemate in June 2014, which brought him an extra \$600 per month, but only until November 2014, when his renter moved out. His wages have been garnished at almost \$245 every two weeks since December 2014 for his child support. However, neither AG ¶ 20(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," nor AG ¶ 20(d), "the individual initiated a good-faith effort to repay overdue creditors or otherwise resolve debts," is fully established. Despite a reported annual salary of \$97,423 in his full-time job, he has yet to make any payments on his debts in collection because he has been paying \$800 a month to catch up on his electric bill from this past winter. With his annual salary, Applicant should have been able to pay some of the smaller debts on his record, such as the \$58 returned check debt (SOR ¶ 1.e).

Applicant anticipates that he will be in a position to begin paying his old debts in January 2016, assuming he does not lose his full-time job. The DOHA Appeal Board has consistently held that a promise to pay a debt in the future is not a substitute for a track record of paying debts in a timely manner. See e.g., ISCR Case No. 09-05390 at 2 (App. Bd. Oct. 22, 2010). Applicant took a significant step toward stabilizing his finances in August 2014 by preventing his spouse from having direct access to his income. Yet, in the past year, he has made little progress toward resolving his old debts. The concerns about Applicant's financial judgment are not yet adequately 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 his 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.

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

Applicant has an unblemished work record regarding the handling of classified information. His value to his employer is undisputed. A program manager went so far as to indicate that Applicant is "irreplaceable." While his work record weighs in his favor, Applicant's years of disregard of his child support and of his federal student loans are not consistent with the good judgment, reliability, and trustworthiness that must be demanded of persons entrusted with information of a classified or sensitive nature. For the reasons noted above, I am unable to conclude that it is clearly consistent with the national interest to grant or continue security clearance eligibility for Applicant.

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-1.i:	Against Applicant
Subparagraph 1.l-1.q:	For Applicant
Subparagraph 1.r:	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 continue Applicant's eligibility for a security clearance. Eligibility for access to classified information is denied.

Elizabeth M. Matchinski
Administrative Judge