



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



In the matter of:	)	
	)	
	)	ISCR Case No. 14-02176
	)	
	)	
Applicant for Security Clearance	)	

**Appearances**

For Government: John Bayard Glendon, Esquire, Deputy Chief Department Counsel  
For Applicant: *Pro se*

October 8, 2015

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**Decision**  
\_\_\_\_\_

CEFOLA, Richard A., Administrative Judge:

Applicant submitted her Electronic Questionnaires for Investigations Processing (e-QIP) on August 7, 2009. On July 18, 2014, the Department of Defense (DOD) issued a Statement of Reasons (SOR) detailing the security concerns under Guideline F for Applicant. 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 after September 1, 2006.

Applicant answered the SOR in writing (Answer) on July 30, 2014, and requested an Administrative Determination by an administrative judge. Department Counsel issued a File of Relevant Material (FORM) on April 30, 2015. Applicant did not respond to the FORM. The case was assigned to me on July 6, 2015. Based upon a review of the pleadings and exhibits, eligibility for access to classified information is granted.

## Findings of Fact

In her Answer to the SOR, Applicant admitted the factual allegations in Paragraphs 1.b., and 1.i.~1.n. of the SOR, with explanations. She denied the factual allegations in Paragraphs 1.a. and 1.c.~1.h. of the SOR.

### Guideline F - Financial Considerations

1.a. Applicant denies she is indebted to Creditor A for a past-due debt in the amount of about \$2,886. She, under the name she used when she executed her 2009 e-QIP, “has satisfied” this debt, as evidenced by a letter from Creditor A. (Answer at page 4, and Item 3 at page 5.)

1.b. Applicant admits she is indebted to Creditor B for a past-due debt in the amount of about \$865. She, under another name she was known by when she executed her 2009 e-QIP, appears to have settled this debt for \$221, as evidenced by a letter from her credit card company. (Answer at page 5, and Item 3 at page 6.) This is corroborated by the Government’s most recent, February 2015 credit report, showing no such past-due debt. (Item 9.)

1.c.~1.h. Applicant denies she is indebted to Creditor C for past-due student loans in an amount totaling about \$2,969. She, under the name she used when she executed her 2009 e-QIP, has “Paid in full” her six student loans, as evidenced by a letter from Creditor C. (Answer at pages 6~7, and Item 3 at page 5.)

1.i. Applicant admits she is indebted to Creditor I for a past-due debt in the amount of about \$84. She avers that she settled this debt for \$109.78, and provides a confirmation number. (Answer at page 2.) This is corroborated by the Government’s most recent, February 2015 credit report, showing no such past-due debt. (Item 9.)

1.j. and 1.n. Applicant admits she is indebted to Creditor J for two past-due debts in an amount totaling about \$278. She, under the name she used when she executed her 2009 e-QIP, has “paid” this debt, as evidenced by a letter from Creditor J and the successor creditor to Creditor J. (Answer at pages 8~9, and Item 3 at page 5.)

1.k. Applicant admits she is indebted to Creditor K for a past-due debt in the amount of about \$221. She, under the name she used when she executed her 2009 e-QIP, has paid this debt, as evidenced by a letter from the successor creditor to Creditor K. (Answer at page 12, and Item 3 at page 5.)

1.l. Applicant admits she is indebted to Creditor L for a past-due debt in the amount of about \$100. She, under another name she was known by when she executed her 2009 e-QIP, appears to have paid this debt, as evidenced by a letter from the original creditor. (Answer at pages 11~12, and Item 3 at page 6.) This is corroborated by the Government’s most recent, February 2015 credit report, showing no such past-due debt. (Item 9.)

1.m. Applicant admits she is indebted to Creditor M for a past-due debt in the amount of about \$80. She avers that she paid this debt, and provides a confirmation

number. (Answer at page 3.) This is corroborated by the Government's most recent, February 2015 credit report, showing no such past-due debt. (Item 9.)

1.n. This admitted debt has already been discussed, above.

### **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. The administrative judge's over-arching adjudicative goal is a fair, impartial and commonsense decision. According to AG Paragraph 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. Paragraph 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 Paragraph E3.1.14, the Government must present evidence to establish controverted facts alleged in the SOR. Under Directive Paragraph 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 as to obtaining a favorable security decision.

A person who seeks access to classified information enters into a fiduciary relationship with the Government predicated upon trust and confidence. This relationship transcends normal duty hours and endures throughout off-duty hours. The Government reposes a high degree of trust and confidence in individuals to whom it grants access to classified information. Decisions include, by necessity, consideration of the possible risk the Applicant may deliberately or inadvertently fail to 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 Paragraph 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 notes several conditions that could raise security concerns. Under Subparagraph 19(a), an *“inability or unwillingness to satisfy debts”* is potentially disqualifying. Similarly under Subparagraph 19(c), *“a history of not meeting financial obligations”* may raise security concerns. Applicant has had difficulty meeting her financial obligations. However, under Subparagraph 20(d), it may be mitigating where *“the individual initiated a good-faith effort to repay overdue creditors or otherwise resolve debts.”* Applicant has made a good-faith effort to resolve all of the alleged past-due debt.

Under the whole-person concept, the administrative judge must evaluate an applicant’s eligibility for a security clearance by considering the totality of Applicant’s conduct and all the circumstances. Under Paragraph 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.

The administrative judge should also consider the nine adjudicative process factors listed at AG Paragraph 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.

I considered all of the evidence, including the potentially disqualifying and mitigating conditions surrounding this case. The record evidence leaves me without questions and doubts as to Applicant’s eligibility and suitability for a security clearance.

For this reason, I conclude Applicant has mitigated the security concerns arising from her Financial Considerations, under the whole-person concept.

### **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:	FOR APPLICANT
Subparagraphs 1.a.~1.n.	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.

Richard A. Cefola  
Administrative Judge