



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



In the matter of:

Applicant for Security Clearance

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ISCR Case No. 14-02226

Appearances

For Government: Gina Marine, Esquire, Department Counsel
For Applicant: Jonathan Bell, Esquire

04/06/2015

Decision

GALES, Robert Robinson, Administrative Judge:

Applicant failed to mitigate the security concerns regarding financial considerations. Eligibility for a security clearance and access to classified information is denied.

Statement of the Case

On August 31, 2011, Applicant applied for a security clearance and submitted an Electronic Questionnaire for Investigations Processing (e-QIP) version of a security clearance application.¹ On July 10, 2014, the Department of Defense (DOD) Consolidated Adjudications Facility – Division A (CAF) issued a Statement of Reasons (SOR) to him, under Executive Order 10865, *Safeguarding Classified Information within Industry* (February 20, 1960), as amended and modified; DOD Directive 5220.6, *Defense Industrial Personnel Security Clearance Review Program* (January 2, 1992), as amended and modified (Directive); and the *Adjudicative Guidelines for Determining Eligibility For Access to Classified Information* (December 29, 2005) (AG) applicable to all adjudications and other determinations made under the Directive, effective

¹ GE 1 (e-QIP, dated August 31, 2011).

September 1, 2006. The SOR alleged security concerns under Guideline F (Financial Considerations), and detailed reasons why the DOD adjudicators were unable to find that it is clearly consistent with the national interest to grant or continue a security clearance for Applicant. The SOR recommended referral to an administrative judge to determine whether a clearance should be granted, continued, denied, or revoked.

Applicant received the SOR on July 17, 2014. In a sworn statement, dated July 25, 2014, Applicant responded to the SOR allegations and requested a hearing before an administrative judge. Department Counsel indicated the Government was prepared to proceed on November 6, 2014. The case was assigned to me on November 14, 2014. A Notice of Hearing was issued on December 2, 2014, and I convened the hearing as scheduled on December 18, 2014.

During the hearing, 4 Government exhibits (GE 1 through GE 4) and 19 Applicant exhibits (AE A through AE S) were admitted into evidence without objection. Applicant and three witnesses testified. The transcript (Tr.) was received on January 6, 2015. I kept the record open to enable Applicant to supplement it. Applicant took advantage of that opportunity. He submitted additional documents which were marked as AE T through AE AA and admitted into evidence without objection. The record closed on January 14, 2015.

Findings of Fact

In his Answer to the SOR, Applicant admitted the factual allegation pertaining to financial considerations (§ 1.a.). Applicant's answer is incorporated herein as a finding of fact. After a complete and thorough review of the evidence in the record, and upon due consideration of same, I make the following additional findings of fact:

Applicant is a 60-year-old employee of a defense contractor. He has worked for his current employer since 2011 as a senior flight test director.² A 1972 high school graduate, he has a bachelor's of science degree from a U.S. military academy, as well as a master's degree in business administration.³ Upon his June 1976 graduation from the military academy, Applicant entered active duty with the U.S. Air Force, and he remained on active duty until August 1997, when he retired honorably as a lieutenant colonel.⁴ He was granted a top secret security clearance with access to sensitive compartmented information (SCI) in late 2001 and mid-2002.⁵ His SCI access was administratively terminated for reasons that remain unspecified. Applicant was married in December 1979, and divorced in May 2000, but he and his ex-wife have continued to cohabit (five nights per week) since the divorce.⁶ He has no children.

² AE R (Resume, dated June 27, 2014), at 1.

³ AE R, *supra* note 2, at 1; GE 1, *supra* note 1, at 9-10; Tr. at 47, 83.

⁴ AE U (Certificate of Release or Discharge from Active Duty (DD Form 214), dated August 31, 1997; GE 1, *supra* note 1, at 15-16; Tr. at 51.

⁵ GE 1, *supra* note 1, at 31-32.

Military Service

During his military service, Applicant was awarded the following decorations and awards: the Distinguished Flying Cross, the Meritorious Service Medal (with 2 devices), the Air Force Commendation Medal (with one device), the Air Force Achievement Medal (with 1 device), the Air Medal, the National Defense Service Medal (with 1 device), the Combat Readiness Medal, the Air Force Overseas Long Tour Ribbon (with 1 device), the Air Force Longevity Service Award (with 4 devices), the Small Arms Expert Marksmanship Ribbon (Pistol), the Air Force Training Ribbon, the Air Force Outstanding Unit Award (with valor device), the Air Force Organizational Excellence Award (with 1 device), and the Kuwait Liberation Medal (Saudi Arabia).⁷

Financial Considerations

There was nothing unusual about Applicant's finances with the one exception that he failed to timely file his federal income tax returns for the tax years 2009, 2010, 2011, and 2012.⁸ By way of explanation, Applicant stated:⁹

I let my personal life be overcome by my professional life. I screwed up. I had an error in judgment thinking that because I owed no money to the Government, the Government owed me, that I could let these slide or not so much slide, but I let other things out prioritize my responsibility to file my taxes on time. I let work pressures, the pressure to get a flight test program out to the nth degree being reliable, overcome my need to get my taxes done on time. . . . So this does not excuse what I did. It in no way relieves of the responsibility of filing my taxes on time. I'm a role model in my squadron. I blew it. There's no way you can hide from the fact that this was a responsibility I needed to do and I let my mindset at the time out prioritize because I had more pressing work or care for ex-wife to deal with. That's not an excuse. . . .

Applicant was more specific when he commented on what he perceived as the contributing factors that essentially led to his failures:¹⁰

A chronically ill ex-wife who lives 10 miles away from my home of record, and has no other caregiver, nor significant or consistent social contact (other than me). . . Although we are divorced, I really never left her side;

⁶ GE 1, *supra* note 1, at 18-19. Applicant explained that they have "continued as life partners after the 2000 divorce as if it never happened. GE 1, *supra* note 1, at 9, 19.

⁷ AE U, *supra* note 4; AE V (The Distinguished Flying Cross Certificate and Citation, dated June 24, 1991).

⁸ Applicant's Answer to the SOR, dated July 25, 2014, at 1.

⁹ Tr. at 54-55.

¹⁰ Applicant's Answer to the SOR, *supra* note 8, at 2.

A relentless work schedule where I allowed my responsibilities for planning and executing successful USAF test programs to consistently outweigh my personal obligation to clean up my paperwork, and file my taxes on time;

Minimal leave expended due to work schedule (over 7 weeks' current vacation unable to take, and weeks lost in past years due to not having been taken within the annual timeframe of my employers' guidelines);

11 years of neither me (nor anyone else) residing in my home of record where all my personal papers are stored. I used my residence to store my clothes, papers, and personal belongings – but traveled daily on from work to my ex-wife's residence to take care of her;

Computing and filing tax returns is like a pregnancy: it's not a baby until every detail is fully fleshed out. All those required tax details had been buried in piles of paper – and it took many, many months to dig them out and sort them out. This was obviously necessary to provide clear, accurate, and auditable documentation for every line entry in each of the year's tax forms.

On November 18, 2013, the Internal Revenue Service (IRS) filed a tax levy against Applicant's wages, salary, and other income in the amount of \$13,342.79 which was the presumed income tax liability for the tax year 2009, based on the IRS' automatic filing of a Form 1040A for Applicant.¹¹ That same day, in order to avoid having his wages garnished, Applicant paid the IRS the entire amount of the levy.¹² An initial analysis performed for Applicant by a tax advisor indicated that Applicant had paid \$18,406 in 2009 taxes by withholding, and only had a tax liability of \$16,144. He was entitled to a refund of \$2,262.¹³ A second look review analysis by the same tax advisor altered the amount of the refund due to \$2,311.¹⁴ Applicant completed his U.S. Individual Income Tax Return (Form 1040) for the tax year 2009 on July 25, 2014 – two weeks after the SOR was issued – and mailed it to the IRS on August 2, 2014.¹⁵ Applicant's adjusted gross income for 2009 was \$92,545.46.¹⁶

Applicant completed his Form 1040 for the tax year 2010 on April 14, 2014 and mailed it to the IRS the following day.¹⁷ Applicant's adjusted gross income for 2010 was

¹¹ GE 3 (Incident History, dated November 19, 2013); AE E (Taxpayer's Copy of Notice of Levy, dated November 7, 2013); AE A (Letter, dated December 15, 2014), at 1.

¹² AE A, *supra* note 11, at 1; Tr. at 58, 68; AE E (Check, dated November 18, 2013).

¹³ AE A, *supra* note 11, at 1-2.

¹⁴ AE E (Letter, dated December 1, 2014).

¹⁵ AE E (Form 1040, dated July 25, 2014).

¹⁶ AE E, *supra* note 15, at 1.

¹⁷ AE F (Form 1040, dated April 14, 2014); Tr. at 70.

\$103,123.95.¹⁸ An analysis performed for Applicant by his tax advisor indicated that Applicant had paid \$22,077 in 2010 taxes by withholding, and only had a tax liability of \$19,014. He was entitled to a refund of \$3,061.¹⁹

Applicant completed his Form 1040 for the tax year 2011 on July 25, 2014 and mailed it to the IRS on August 2, 2014.²⁰ Applicant's adjusted gross income for 2011 was \$110,739.22.²¹ Based on an analysis performed for Applicant by his tax advisor, Applicant filed an Amended U.S. Income Tax Return (Form 1040X) for the tax year 2011 on December 13, 2014.²² The analysis indicated that Applicant had paid \$31,840 in 2011 taxes by withholding, and only had a tax liability of \$20,518. He was entitled to a refund of \$12,988.²³

Applicant completed his Form 1040 for the tax year 2012 on July 25, 2014 and mailed it to the IRS on August 2, 2014.²⁴ Applicant's adjusted gross income for 2012 was \$119,584.85.²⁵ Based on an analysis performed for Applicant by his tax advisor, Applicant filed a Form 1040X for the tax year 2012 on December 13, 2014.²⁶ The analysis indicated that Applicant had paid \$35,219 in 2012 taxes by withholding, and only had a tax liability of \$23,545. He was entitled to a refund of \$11,141.²⁷

Applicant completed his Form 1040 for the tax year 2013 on August 1, 2014 and mailed it to the IRS on August 2, 2014.²⁸ He had an approved request for an extension, and filed the return on time.²⁹ Applicant's adjusted gross income for 2013 was \$118,419.95.³⁰

¹⁸ AE F, *supra* note 17, at 1.

¹⁹ AE A, *supra* note 11, at 1-2; AE F (Letter, dated December 1, 2014).

²⁰ AE G (Form 1040, dated July 25, 2014); Tr. at 70.

²¹ AE G, *supra* note 20, at 1.

²² AE G (Form 1040X, dated December 5, 2014); AE A, *supra* note 11, at 2.

²³ AE A, *supra* note 11, at 2.

²⁴ AE H (Form 1040, dated July 25, 2014); Tr. at 71.

²⁵ AE H, *supra* note 22, at 1.

²⁶ AE H (Form 1040X, dated December 5, 2014); AE A, *supra* note 11, at 2.

²⁷ AE A, *supra* note 11, at 2.

²⁸ AE I (Form 1040, dated August 1, 2014); Tr. at 71.

²⁹ Tr. at 72.

³⁰ AE I, *supra* note 28, at 1.

When he completed his e-QIP in August 2011, Applicant acknowledged that he needed to file his federal income tax returns for 2009 and 2010.³¹ He failed to do so for over two years. On November 1, 2011, Applicant was interviewed by an investigator from the U.S. Office of Personnel Management (OPM). He stated he intended to file his tax returns for 2009 and 2010 within thirty days.³² He failed to do so because his papers were disorganized and his mindset gave priority to his work and his ex-wife.³³ On December 23, 2013, Applicant was again interviewed by an OPM investigator. He stated that he would file his Form 1040 for the tax years 2010, 2011, and 2012 “within the next couple of weeks.”³⁴ It took him four more months to file the Form 1040 for 2010 and eight more months to file the remaining Forms 1040 for 2011 and 2012. Applicant now claims that “this delinquent behavior has stopped. . . [and] this delinquent financial behavior with the IRS will never recur.”³⁵

During the tax years 2009 through 2012, while Applicant was not timely filing his own federal income tax returns, the issues that purportedly contributed to his procrastination did not interfere with his timely filing of his ex-wife’s federal income tax returns.³⁶ Applicant explained that her income tax returns were easy to complete, while his were more complicated.

Applicant’s current Vantage Scores from the three credit reporting agencies are between 957 and 965 out of a maximum of 990.³⁷ He currently possesses two credit cards, and he claims he pays off the balances each month.³⁸ However, his current monthly budget indicates that he has current balances of \$10,083.52 in consumer debt.³⁹ It is unclear which story is accurate. His current monthly income is \$12,215.20; and his monthly payments are \$12,602.60; leaving a monthly deficit of minus \$387.40. Applicant also has assets, including real estate, vehicles, savings, retirement accounts, etc., of approximately \$843,067.77.⁴⁰

³¹ GE 1, *supra* note 1, at 34.

³² GE 2 (OPM Report of Investigation (ROI), undated), at 2.

³³ Tr. at 63-64, 72.

³⁴ GE 4 (OPM ROI, dated December 27, 2013).

³⁵ Applicant’s Answer to the SOR, *supra* note 8, at 3.

³⁶ Tr. at 76.

³⁷ AE B (Credit Scores, dated December 9, 2014).

³⁸ Tr. at 60; AE C (Credit Card Account Summary, dated October 28, 2014); AE D (Credit Card Statement, dated November 30, 2014).

³⁹ AE T (Budget, undated), at 1, 5.

⁴⁰ AE T, *supra* note 39.

Work Performance and Character References

The flight test squadron commander of the organization that runs developmental tests has known Applicant for three years. The quality of Applicant's work has been very good, and he believes Applicant's work is well documented and detailed. He has no reason to question Applicant's trustworthiness or reliability.⁴¹ A friend and fellow church member has known Applicant for 29 years. Applicant is very active in the church where, for the past year or two, he teaches Sunday school. He believes Applicant is reliable and exercises very good, impeccable judgment.⁴² The chief engineer of the flight test squadron has known Applicant for four years, and they interact on a daily basis. He characterized Applicant as "meticulous with his work product," and he has had to remind Applicant that "perfection is the enemy. You're good enough." Applicant is reliable and trustworthy. Applicant's judgment has never been questioned.⁴³

Since joining his current employer, Applicant has received a number of superior performance awards, and a general officer letter of appreciation and congratulations. He has also been recognized as the flight test squadron professional contractor of the quarter on several occasions, as well as the professional contractor of the year in 2012.⁴⁴

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."⁴⁵ 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. The President has authorized the Secretary of Defense or his designee to grant an applicant eligibility for access to classified information "only upon a finding that it is clearly consistent with the national interest to do so."⁴⁶

When evaluating an applicant's suitability for a security clearance, the administrative judge must consider the AG. In addition to brief introductory explanations for each guideline, the AG list potentially disqualifying conditions and mitigating

⁴¹ Tr. at 29-31.

⁴² Tr. at 34-35.

⁴³ Tr. at 37-43.

⁴⁴ AE J (Letter and Citation, dated July 26, 2010); AE K (Nomination for Award, undated); AE O (Nomination for Award, dated October 9, 2013); AE N (Letter and Citation, dated April 4, 2013); AE Q (Letter, dated October 8, 2014); AE P (Citation, undated); AE L (Citation, undated); AE M (Citation, undated).

⁴⁵ *Department of the Navy v. Egan*, 484 U.S. 518, 528 (1988).

⁴⁶ Exec. Or. 10865, *Safeguarding Classified Information within Industry* § 2 (Feb. 20, 1960), as amended and modified.

conditions, which are used in evaluating an applicant's eligibility for access to classified information.

An administrative judge need not view the guidelines as inflexible, ironclad rules of law. Instead, acknowledging the complexities of human behavior, these guidelines are applied in conjunction with the factors listed in the adjudicative process. The administrative judge's overarching adjudicative goal is a fair, impartial, and commonsense decision. 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 meaningful decision.

In the decision-making process, facts must be established by "substantial evidence."⁴⁷ The Government initially has the burden of producing evidence to establish a potentially disqualifying condition under the Directive, and has the burden of establishing controverted facts alleged in the SOR. Once the Government has produced substantial evidence of a disqualifying condition, under Directive ¶ E3.1.15, the applicant has the burden of persuasion to present evidence in refutation, explanation, extenuation or mitigation, sufficient to overcome the doubts raised by the Government's case. The burden of disproving a mitigating condition never shifts to the Government.⁴⁸

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 as well. It is because of this special relationship that the Government must be able to repose a high degree of trust and confidence in those 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 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. Furthermore, "security clearance determinations should err, if they must, on the side of denials."⁴⁹

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."⁵⁰ Thus, nothing in this decision should be construed to suggest that I have based this decision, in whole or in part, on any express or implied determination as to Applicant's allegiance, loyalty, or patriotism. It is merely an indication the Applicant has or has not met the strict

⁴⁷ "Substantial evidence [is] such relevant evidence as a reasonable mind might accept as adequate to support a conclusion in light of all contrary evidence in the record." ISCR Case No. 04-11463 at 2 (App. Bd. Aug. 4, 2006) (citing Directive ¶ E3.1.32.1). "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).

⁴⁸ See ISCR Case No. 02-31154 at 5 (App. Bd. Sep. 22, 2005).

⁴⁹ *Egan*, 484 U.S. at 531.

⁵⁰ See Exec. Or. 10865 § 7.

guidelines the President and the Secretary of Defense have established for issuing a clearance. 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.

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 notes one particular relevant condition that could raise security concerns. Under AG ¶ 19(g), a "failure to file annual Federal, state, or local income tax returns as required. . ." is potentially disqualifying. Applicant failed to timely file his Form 1040 for the tax years 2009, 2010, 2011, and 2012. AG ¶ 19(g) applies.

The guideline also includes examples of conditions that could mitigate security concerns arising from financial difficulties. Under AG ¶ 20(a), the disqualifying condition may be mitigated where "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." Also, under AG ¶ 20(b), financial security concerns may be mitigated where "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." Evidence that "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" is potentially mitigating under AG ¶ 20(c).

None of the mitigating conditions apply. Applicant's financial problems were not caused by frivolous or irresponsible spending, and he did not spend beyond his means. Instead, as noted above, his problems arose from his continued irresponsible failure to timely file his federal income tax returns for the tax years 2009, 2010, 2011, and 2012. Applicant attributed his failure to file those federal income tax returns to a variety of reasons: (1) a chronically ill ex-wife; (2) a relentless work schedule; (3) he allowed his work responsibilities to take priority over the timely filing of taxes; (4) he failed to take annual leave; and (5) his records were in complete disarray, buried in piles of paper, and it took many, many months to dig them out and sort them out. None of those factors

were beyond Applicant's control. Furthermore, although Applicant failed to timely file his federal income tax returns for the tax years 2009 through 2012, he was able to timely file his ex-wife's federal income tax returns.

Applicant had numerous opportunities over the years to resolve his repeated failures to timely file his income tax returns, but he failed to do so. Instead, he made promises which, for a variety of reasons that he offered to explain his procrastination, he failed to fulfill. In August 2011, when he completed his e-QIP, Applicant acknowledged that he needed to file his federal income tax returns for 2009 and 2010. He failed to do so for over two years. On November 1, 2011, when he was interviewed by an OPM investigator, he stated he intended to file those same tax returns within thirty days. He failed to do so. On December 23, 2013, Applicant was again interviewed, and he stated that he would file his Form 1040 for the tax years 2010, 2011, and 2012 "within the next couple of weeks." It took him four more months to file the Form 1040 for 2010 and eight more months to file the remaining Forms 1040 for 2011 and 2012. Applicant now claims that his delinquent behavior has stopped and that it will never recur. Based on his past history, there is little confidence that it will not recur.

This is a situation where an applicant has a lengthy period of irresponsible inaction regarding his federal income tax filing obligations.⁵¹ Applicant's actions can be characterized as repeated procrastination and delay. He repeatedly made promises and he failed to fulfill those promises for extensive periods. His initial action was generated in November 2013 after the IRS had filed a tax levy for his 2009 taxes. His next action was to file his Form 1040 for the tax year 2010 in April 2014. Applicant's eventual responses and actions regarding his income tax returns for the tax years 2011 and 2012 did not occur until two weeks after the SOR was issued. While there is evidence that an independent tax advisor audited his late Forms 1040, there is no evidence that Applicant has received financial counseling. Applicant's actions under the circumstances, do cast doubt on his current reliability, trustworthiness, or good judgment.⁵²

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 relevant 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

⁵¹ See ISCR Case No. 12-05053 at 4-5 (App. Bd. Oct. 30, 2014).

⁵² See ISCR Case No. 09-08533 at 3-4 (App. Bd. Oct. 6, 2010).

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.

There is some evidence in favor of mitigating Applicant's conduct. Applicant is: a graduate of a U.S. military academy; a highly decorated retired Air Force officer; a well thought-of civilian contractor; active in his church; and a caring and devoted ex-husband. His financial accounts appear to be current.

The disqualifying evidence under the whole-person concept is more substantial than the mitigating evidence. Applicant's problems arose from his continued irresponsible failure to timely file his federal income tax returns. None of the factors cited by Applicant as leading to his inactions were beyond his control. There is evidence that Applicant exercises very good, impeccable judgment, and that he is meticulous with his work product. Yet, Applicant, himself, described his tax records as being in complete disarray, buried in piles of paper, and that it took many, many months to dig them out and sort them out. As noted above, Applicant had numerous opportunities over the years to resolve his repeated failures to timely file his income tax returns, but he failed to do so. Instead, he made promises which, for a variety of reasons that he offered to explain his procrastination, he failed to fulfill. Applicant now claims that his delinquent behavior has stopped and that it will never recur. Based on his past history, there is little confidence that it will not recur.

Overall, the record evidence leaves me with substantial questions and doubts as to Applicant's eligibility and suitability for a security clearance. For all these reasons, I conclude Applicant has failed to mitigate the security concerns arising from his financial considerations. See AG ¶ 2(a)(1) through AG ¶ 2(a)(9).

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

Conclusion

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

ROBERT ROBINSON GALES
Administrative Judge