



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



In the matter of:)	
)	
)	ADP Case No. 14-02325
)	
Applicant for Public Trust Position)	

Appearances

For Government: Eric H. Borgstrom, Esq., Department Counsel
For Applicant: *Pro se*

03/02/2015

Decision

MATCHINSKI, Elizabeth M., Administrative Judge:

Applicant struggled financially because of a divorce and unemployment. She fell behind on two credit card accounts, a car loan, and three medical debts. She failed to remove her name from a utility account when she and her ex-husband separated. On their divorce, they owed a collection balance of \$4,914 for gas services, of which \$2,317 is still unpaid. Applicant has resolved a \$1,018 credit card judgment and arranged to repay her \$5,495 in remaining delinquent debt through automatic debits from her bank account. Position of trust is granted.

Statement of the Case

On July 22, 2014, the Department of Defense Consolidated Adjudications Facility (DOD CAF) issued to Applicant a Statement of Reasons (SOR), detailing the trustworthiness concerns under Guideline F, Financial Considerations, as to why it could not grant her eligibility for a public trust position. The DOD CAF took action under Department of Defense Directive 5220.6, *Defense Industrial Personnel Security Clearance Review Program* (January 2, 1992), as amended (Directive); Department of Defense Regulation 5200.2-R, *Personnel Security Program* (January 1987) as amended; and the

adjudicative guidelines (AG) effective within the Department of Defense on September 1, 2006.

Applicant answered the SOR allegations on August 15, 2014. She did not indicate at that time whether she wanted a hearing before a Defense Office of Hearings and Appeals (DOHA) administrative judge. On October 1, 2014, Department Counsel indicated that the case was ready to proceed to a hearing. On October 2, 2014, the case was assigned to me to determine whether it is clearly consistent with the interests of national security to grant Applicant eligibility for a public trust position. On October 27, 2014, I scheduled a hearing for November 19, 2014. On October 30, 2014, I moved up the start time 30 minutes to ensure that all matters scheduled for that day would be completed. Applicant did not object to a hearing or to moving the start time.

At the hearing, Department Counsel stipulated before the introduction of any evidence that the judgment debt in SOR 1.a had been paid by Applicant. Three Government exhibits (GEs 1-3) were admitted into evidence. A chart, prepared by Department Counsel as a supplement to his oral closing argument, was accepted into the record as a hearing exhibit (HE 1). Applicant submitted six exhibits (AEs A-F), which were entered into evidence without any objections. Applicant and her spouse testified, as reflected in a transcript (Tr.) received on December 3, 2014.

At Applicant's request, I held the record until December 5, 2014, for her to submit additional documentary evidence. On December 4, 2014, Applicant forwarded nine exhibits (AEs G-O). The Government filed no objections by the December 12, 2014, deadline. The documents were admitted as full exhibits, and the record was closed on December 12, 2014.

Summary of SOR Allegations

The SOR alleges under Guideline F that as of July 22, 2014, Applicant owed delinquent debt totaling \$8,606 on eight accounts (SOR 1.a-1.h). When Applicant answered the SOR, she denied owing a \$1,018 judgment debt (SOR 1.a) in that it had been paid. Additionally, she denied a \$4,235 gas utility debt in collection (SOR 1.g) because it had been incurred by her ex-husband after she had moved from their marital home; he was held responsible for repayment in their divorce decree; and she had paid half of the debt. Applicant admitted the other debts alleged in the SOR, which she attributed to being a single mother and a period of unemployment followed by two years of temporary work before being hired full-time by her current employer.

Findings of Fact

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

Applicant is a 40-year-old high school graduate with some college credits. She works as a provider installation representative for a healthcare company under a DOD contract. (GE 1; AE A.)

Applicant married her first husband in June 2001.¹ They had a son in December 2003, but they separated before February 2007, when Applicant had a son with another man. (GEs 1, 3; AE C.) Her younger son's father did not regularly pay his court-ordered child support, so Applicant maintained no contact with him. (GE 3.) As of December 2014, Applicant had received only \$1,000 total from her younger son's father. He paid a \$1,000 bond for release from jail, and she received the funds under a *capias* order. (AE F; Tr. 97.)

In November 2001, Applicant began working as a sales representative with a manufacturer of mailing equipment. (GE 1.) Around October 2006, Applicant moved into her own apartment. She learned that she owed a \$5,274 gas utility debt in collection (SOR 1.g) from a home that she had shared with her first husband. Applicant explained during a March 2014 subject interview with an Office of Personnel Management (OPM) investigator that the account was opened in 1993 when she lived with her former spouse, who owned the home. When they left the home around 1995,² he told her that he had sold the house and closed all utility accounts. However, he kept the home and did not pay the gas bills. Upon learning of the account, Applicant began repaying the debt at \$80 a month so that she would have gas service at her new apartment. (GEs 2, 3; AE C; Tr. 72-75.)

Applicant stopped paying on some accounts after her marital separation. Around May 2007, Applicant's vehicle was repossessed. Her loan, opened in approximately 2003 for \$15,949, was \$800 past due. Applicant believed that the car sold for more than what she owed at the time (SOR 1.h), but a \$2,357 balance was in collection as of July 2008. (GEs 2, 3.)

In March 2008, Applicant and her two children moved in with her parents. (GE 1.) Applicant had recently rented an apartment, which proved to be unlivable. (AE A.) Applicant's financial problems persisted. Two medical debts, of \$40 (SOR 1.b) and \$45 (SOR 1.c), were placed for collection in March 2008 and May 2008, respectively. Around June 2008, Applicant stopped paying on a credit card account with a \$369 balance (SOR 1.e). (GE 2.)

In October 2008, a former co-worker showed up on the job and made unwanted advances toward Applicant. Applicant no longer felt safe at the company, so she resigned her employment. Over the next two years, Applicant struggled to support herself and her two sons on her severance pay and her unemployment compensation. Applicant made no

¹ Applicant gave June 1995 as the date of her first marriage when she completed her Electronic Questionnaire for Investigations Processing (e-QIP). (GE 1.) The judgment of divorce discrepantly indicates that Applicant and her ex-husband married in June 2001. (AE C.)

² If the 1995 date is accurate, then the debt was incurred on a gas account for a home that Applicant and her ex-husband occupied before they married in 2001. She was unaware of the debt before October 2006, when she moved into her own apartment and needed gas service.

effort to pay some of her debts in collection. (GEs 2, 3.) She took online college classes trying to improve her employment prospects. (Tr. 89.)

In March 2010, Applicant and her sons moved to an apartment. (GE 1.) In June 2010, Applicant and her first husband divorced. They had joint legal custody of their son, who lived with Applicant primarily. Her ex-husband was already paying \$87 a week in child support plus \$17 weekly toward an arrearage of \$1,031. He agreed to pay \$500 on July 16, 2010, and on August 13, 2010, toward the arrearage. About division of debts, Applicant had been paying off a delinquent gas bill, which had an outstanding balance of \$4,914.99 (SOR 1.g). In the divorce, her ex-husband accepted repayment responsibility for \$3,000 of the balance. Applicant remained responsible for the remaining \$1,915. Under the divorce decree, Applicant's ex-husband was to arrange repayment terms with the collection agency. If the collection agency was not willing to accept payment from him, he agreed to pay \$85 monthly to Applicant until the \$3,000 was paid. Applicant stopped her payments on the debt, assuming that her ex-husband would pay the debt, and she did not check whether he was paying the debt. (GE 3; AE C.) As of August 2014, Applicant owed a balance of \$2,317.37. (AE B.)

In September 2010, Applicant was placed by a temporary agency in a customer service position at a bank. She earned between \$12 and \$13 an hour. (Tr. 88.) Applicant and her sons lived with her parents from October 2011 to March 2012, when Applicant and her sons moved into an apartment. In August 2012, Applicant gave her two-week notice to the staffing agency because she had accepted a position with her current employer. She took a day of leave from work at the bank to take a pre-employment urinalysis for the healthcare company. When she needed a second day off for that purpose, she was told by the bank not to return. Applicant collected unemployment for the two weeks immediately preceding her September 2012 start-date with the healthcare company. (GE 3.)

In October 2013, Applicant and her future spouse began cohabiting. (Tr. 36.) For help in organizing their collective finances, they retained the services of a law firm to clean up their credit records. They paid \$80 a month for two months before Applicant decided that she could arrange repayments herself. (Tr. 66-67.)

On February 11, 2014, Applicant completed and certified to the accuracy of an Electronic Questionnaire for Investigations Processing (e-QIP) for her sensitive duties as a clinical administrative coordinator. Applicant responded negatively to whether she was currently seeking assistance to resolve any financial difficulties. She then explained that she had recently retained the services of a debt resolution firm but cancelled the service two weeks ago. Applicant listed a court judgment for \$925 (SOR 1.a, duplicated in SOR 1.f)³ that she was repaying at \$50 per month. (GE 1.) Applicant paid \$50 monthly from December 11, 2012, to July 21, 2014, to resolve the judgment. (AE E.) She was refunded \$31.13 after satisfying the debt. (AEs A, B; Tr. 53-54.)

³ The account number shown for the debt in SOR 1.f matches that provided by Applicant on her e-QIP for the judgment debt in SOR 1.a. The evidence establishes that Applicant has paid off the debt in full. (AEs A, B, E.)

A check of Applicant's credit on February 28, 2014, revealed that a \$1,018 judgment had been filed against her in November 2012 (SOR 1.a), and that she owed several collection balances. In addition to the medical collection debts from 2008 (SOR 1.b and 1.c), a \$275 medical debt had been placed for collection in August 2013. As of January 2014, the balance had accrued to \$367 (SOR 1.d). Applicant had reportedly made no progress toward resolving the credit card debt in SOR 1.e or the car loan deficiency in SOR 1.h. Applicant was making timely payments on two credit card accounts opened in September 2013 and in January 2014 with the same lender. The accounts had respective balances of \$870 and \$896. She was also making payments on a charge account balance of \$1,050 opened in January 2014. Applicant had several student loans in deferment totaling approximately \$60,000. (GE 2.)

On March 19, 2014, Applicant was interviewed by an authorized investigator for the Office of Personnel Management (OPM). Applicant expressed no knowledge about the collection debts in SOR 1.b-1.d. She planned to follow up and pay them if legitimate. Applicant acknowledged the credit card delinquency in SOR 1.e, and explained that she had not disclosed the account on her e-QIP because it was beyond the seven-year scope of the inquiry. She indicated that she was arranging repayment terms. About the gas debt in SOR 1.g, she learned about the debt in October 2006 and made \$80 payments until her divorce in June 2010, when her ex-spouse was to take over the payments. Applicant had no contact with the assignee or creditor about the account since then. Concerning the car loan in SOR 1.h, Applicant explained that the car was sold after repossession for more than what she owed, so the balance has been settled. (GE 3.)

In late March 2014, Applicant and her current spouse married. He has a 12-year-old daughter from a previous relationship for whom he pays \$94 a week in child support. (Tr. 31-32, 49.) Applicant received an income tax refund between \$3,000 and \$4,000 for tax year 2013. She spent the money on winter clothing for her children. She also bought bunk beds for them and a kitchen table. (Tr. 83-84.) She used \$2,000 of her income tax refund as down payment for a used car that she bought in March 2014 for \$11,000. (Tr. 90.) Applicant made her car loan payments of \$280 per month on time. It was a four-year loan at 17% interest. (AE F; Tr. 28-32, 98-99.)

In response to the SOR, Applicant indicated that she would be repaying the medical debts in SOR 1.b and 1.c on August 15, 2014. In addition, she indicated that she had arranged to repay the debts in SOR 1.d and 1.e at \$20 a month starting on August 15, 2014. (AE A.) Applicant did not make the promised payments because her spouse left his job in August 2014 when he could no longer manage the physical demands of his position. He was unemployed for three weeks, and they fell behind on some accounts, including her credit cards. (Tr. 82.)

Shortly after Applicant's spouse began a new job in September 2014, the transmission went on the used car she had purchased in March 2014. When they turned in the car, they were told that they owed \$8,000. (Tr. 100.) That same day, Applicant and her spouse bought from another dealer a 2013 model-year seven-passenger vehicle through a six-year loan at 17% interest. They needed a vehicle to commute to work and decided to

buy a large vehicle because Applicant was expecting their child in January 2015. Even with a down payment of \$1,000, their monthly car payment went from \$280 to \$597. (AE F; Tr. 28-32, 40, 47-48, 77, 100.) As of Applicant's hearing in mid-November 2014, she had not learned whether she owed a deficiency balance on the car loan for the vehicle that she returned because of transmission problems. (Tr. 78.)

In early October 2014, Applicant and her family moved from their apartment because of poor maintenance, insect and rodent issues, and illegal drug activity by other tenants. (AEs F, N, O; Tr. 32.) The deposit on their new apartment was \$2,500, and their rent went from \$700 to \$1,275, but it includes electricity and heat. (Tr. 32-33, 81.) While her spouse made the payments to bring her credit card accounts current, the debts in the SOR went unpaid. (Tr. 92.)

On November 11, 2014, Applicant filed a complaint of burglary and larceny with the police. Around midnight, someone had entered her home through an open bathroom window and taken her purse containing her credit cards, driver's license, and several checks. (AEs F, K; Tr. 33-34.)

Applicant handles her family's finances. (Tr. 38.) In early December 2014, Applicant set up automatic withdrawals from her bank account to repay the medical debts in SOR 1.b and 1.c at \$10 per month from December 2014 to September 2015; the medical debt in SOR 1.d at \$20 per month from January 2015 to August 2016; the \$2,317.37 gas debt (SOR 1.g) at \$25 per month from December 2014 to September 2022; and the car loan deficiency (SOR 1.h) at \$50 per month from January 2015 to January 2019. (AE L.)

Applicant's annual salary is about \$34,700. (Tr. 86.) Her spouse is paid \$18 an hour in his current job. Since he started working in early September, he has averaged 50 hours of overtime per week. (Tr. 103.) As of December 2014, Applicant and her spouse had a very tight family budget. They had \$21 in net discretionary income each month after paying their expenses, which included \$250 toward credit cards, \$100 toward her spouse's student loans, \$100 toward her old debts, a \$597 car payment, \$40 in childcare expenses, and \$100 in repayment of personal loans from family members. (AE J.) Applicant currently receives \$87 a week in child support from her ex-husband.⁴ (Tr. 96-97.) Applicant tries to maximize savings by caring for her own and her sons' personal grooming (haircuts, pedicure) needs and by using coupons when possible. (AE G.) She was recently billed \$700 for an ultrasound. (Tr. 101-102.)

Applicant proved to be a quick learner for her current employer. At her annual review in February 2014, she received ratings of "effective" in all categories and an overall rating of meets expectations as a clinical administrative coordinator. She volunteered for several activities sponsored by her employer to benefit the community, including a school reading program. (AE M.) In March 2014, she was promoted to her current position, which

⁴ Applicant's budget is based on net income of \$2,400 from her spouse and \$1,400 of her pay for a total of \$3,800. It does not appear that she included her child support income or her spouse's child support payments for his daughter in their monthly bills. She receives \$87 weekly and he pays \$94 weekly, so they may have even less than \$21 in discretionary income.

raised her hourly wage from \$16 to \$18. (Tr. 87.) A co-worker, who has known Applicant for about a year, attests to Applicant's dedication to her job. (AE H.) Applicant has been a "dependable, reliable, trustworthy, and loyal" friend to another person, who has known her for over 20 years. (AE I.)

Policies

Positions designated as ADP I and ADP II are classified as "sensitive positions." (See Regulation ¶¶ C3.1.2.1.1.7 and C3.1.2.1.2.3.) The standard that must be met for assignment to sensitive duties is that, based on all available information, the person's loyalty, reliability, and trustworthiness are such that assigning the person to sensitive duties is clearly consistent with national security. (See Regulation ¶ C8.2.1.) The Deputy Under Secretary of Defense (Counterintelligence and Security) Memorandum, dated November 19, 2004, indicates trustworthiness adjudications will apply to cases forwarded to DOHA by the Defense Security Service and Office of Personnel Management. Department of Defense contractor personnel are afforded the right to the procedures contained in the Directive before any final unfavorable access determination may be made.

When evaluating an Applicant's suitability for a public trust position, the administrative judge must consider the disqualifying and mitigating conditions in the Adjudicative Guidelines (AG). 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 judge must consider all available reliable information about the person, past and present, favorable and unfavorable. 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 trustworthiness decision.

A person who seeks access to sensitive 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 sensitive information. Decisions include, by necessity, consideration of the possible risk the Applicant may deliberately or inadvertently fail to safeguard sensitive information. Such decisions entail a certain degree of legally permissible extrapolation as to potential, rather than actual, risk of compromise of sensitive information. See Executive Order 12968, Section 3.1(b) (listing multiple prerequisites for access to classified or sensitive information).

Analysis

Guideline F, Financial Considerations

The trustworthiness concerns about financial considerations are 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 evidence establishes the financial considerations concerns. When Applicant rented an apartment around October 2006, she learned that she owed a sizeable gas debt from a home that she had shared with her ex-husband. Applicant began repaying the bill at \$80 a month, but as of their divorce in June 2010, the debt was \$4,914.99. Applicant stopped paying the debt, assuming that her ex-husband would comply with the divorce decree that required him to cover \$3,000 of the debt. As of August 2014, she owed a balance of \$2,317.37 (SOR 1.g). In November 2012, a \$1,018 judgment was awarded against her to collect a delinquent credit card balance from 2008 (SOR 1.a, duplicated in SOR 1.f). Applicant denied the debt when she answered the SOR because she had recently paid off the debt. While her payment is a factor to consider in mitigation, the judgment is evidence of delinquency.

Additionally, while Applicant was separated from her ex-husband, she lost a vehicle to repossession, leaving an apparent deficiency balance of \$2,357 on her auto loan (SOR 1.h). In 2008, she stopped paying on a \$369 credit card debt (SOR 1.e), and did not pay two small medical debts, of \$40 (SOR 1.b) and \$45 (SOR 1.c). A \$275 medical debt in collection since August 2013 accrued to \$367 by January 2014 (SOR 1.d). Disqualifying conditions AG ¶ 19(a), "inability or unwillingness to satisfy debts," and AG ¶ 19(c), "a history of not meeting financial obligations," apply because of Applicant's record of financial delinquency.

Yet, several mitigating conditions apply, either in whole or in part. AG ¶ 20(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," is satisfied as to the alleged debt in SOR 1.f, which is not an additional balance from the judgment in SOR 1.a. AG ¶ 20(e) applies to the judgment in that Applicant paid off the debt a few days before the SOR was issued in July 2014. AG ¶ 20(e) does not apply to the delinquencies that are still unpaid (SOR 1.b-1.e, 1.g, and 1.h).

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," applies in that the debts are not recent. With the

possible exception of the medical debt in SOR 1.d, the debts became delinquent in or before 2008. However, only the financial judgment had been satisfied by mid-November 2014. AG ¶ 20(a) does not mitigate fully her unresolved delinquencies.

Applicant fell behind after she and her ex-husband separated, and she was unemployed from October 2008 to September 2010. Marital separation and unemployment are mitigating conditions that trigger AG ¶ 20(b):

(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.

Applicant left her job as a sales representative voluntarily in October 2008, but the circumstances that led to her resignation were not within her control. She no longer felt safe after a former co-worker gained access to the work premises and made untoward advances toward her. For the next two years, Applicant supported herself and her two sons on her unemployment and severance pay. With no details about the amount of unemployment compensation or her severance, it is unclear whether Applicant had discretionary funds to make payments when she was out of work. In September 2010, she began working in a temporary job that paid between \$12 and \$13 an hour, not enough to support her family and address her old debts. AG ¶ 20(b) applies.

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," and AG ¶ 20(d), "the individual initiated a good-faith effort to repay overdue creditors or otherwise resolve debts," are both implicated because of her satisfaction of the judgment debt in SOR 1.a. Applicant made regular monthly payments between December 2012 and July 2014 to satisfy that debt. In addition, Applicant made payments before her divorce in June 2010 to reduce the original collection balance of the natural gas debt in SOR 1.g. While these payments qualify as a good-faith effort to repay the debt, Applicant did not continue with the payments after her divorce. According to her divorce papers, Applicant's ex-husband was required to pay only \$3,000 of the then \$4,914.99 balance. Applicant should have realized that the debt would not be fully resolved by his payments. As of August 2014, Applicant reportedly owed \$2,317.37 on the gas debt. In December 2014, Applicant arranged to make automatic monthly payments from her bank account on her outstanding balances (SOR 1.b-1.e, 1.g-1.h), although without a track record of payments, it is difficult to fully apply AG ¶ 20(c) or AG ¶ 20(d) to those debts.

Whole-Person Concept

Under the whole-person concept, the administrative judge must consider the totality of an applicant's conduct and all relevant circumstances in light of the nine adjudicative process factors in AG ¶ 2(a).⁵

⁵ The factors under AG ¶ 2(a) are as follows:

Applicant struggled financially after she and her first husband separated. While she received child support from her ex-husband, the father of her second child did not comply with his court-ordered child support obligation. After two years of unemployment, she found a temporary job, which paid only between \$12 and \$13 an hour. In early September 2012, she began her current employment, and with that income, she paid off a \$1,018 judgment over the next two years. Even so, she still owed approximately \$5,495 in delinquent debt as of her hearing in November 2014.

In making the whole-person assessment required under the Directive, the DOHA Appeal Board has held that an applicant is not required, as a matter of law, to establish resolution of every debt alleged in the SOR. An applicant need only establish a plan to resolve financial problems and take significant actions to implement the plan. See ISCR Case No. 07-06482 at 2-3 (App. Bd. May 21, 2008). Applicant indicated in response to the SOR that she would be satisfying the medical debts in SOR 1.b and 1.c on August 15, 2014, and that she had arranged to repay the debts in SOR 1.d and 1.e at \$20 a month starting August 15, 2014. Those payments were not made because her spouse was unemployed for three weeks, and because of car problems that led to a significantly higher car payment. In December 2014, Applicant set up monthly payments totaling \$125 toward her delinquencies. She has budgeted for \$100 in payments toward her old debts when her automatic withdrawals total \$125. Applicant would have a stronger case in mitigation had she been able to show that she can afford the promised payments without falling behind on other debts.

Moreover, she owes about \$60,000 in student loan debt, which is currently deferred. Of more immediate concern, Applicant and her spouse were expecting a child in January 2015. In addition to the ultrasound bill that she received in November 2014, there are costs associated with newborn care that might make it difficult for Applicant to maintain the payments on her old debts.

Even so, Applicant has demonstrated that she lives within her means. She has dealt with financial stress by seeking ways to reduce expenses. She fell behind on a couple of credit cards when her spouse was unemployed in August 2014, but she caught up on the accounts once her spouse had income. Applicant has been a capable worker for her employer, as evidenced by her promotion to her current position around March 2014. Applicant is not seen as likely to jeopardize the employment that she needs to maintain to be able to meet her present financial obligations and to address approximately \$5,495 in past-due debt. After considering all the facts and circumstances, I conclude that it is clearly consistent with national security to grant Applicant access to sensitive information at this time.

(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.

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

Subparagraph 1.a-1.h: For Applicant

Conclusion

In light of all of the circumstances presented by the record in this case, it is clearly consistent with national security to grant Applicant eligibility for a public trust position. Eligibility for access to sensitive information is granted.

Elizabeth M. Matchinski
Administrative Judge