

DATE: August 22, 2002

In Re:

SSN: -----

Applicant for Security Clearance

ISCR Case No. 01-21147

DECISION OF ADMINISTRATIVE JUDGE

KATHRYN MOEN BRAEMAN

APPEARANCES

FOR GOVERNMENT

Henry Lazzaro, Esq., Department Counsel

FOR APPLICANT

Pro Se

SYNOPSIS

Applicant mitigated security concerns over criminal conduct, finances, and foreign influence. He mitigated his 1985-88 history of criminal conduct and his multiple pattern of worthless checks in 1992-93 as those incidents occurred ten years ago or more. Despite his past financial problems, he finally resolved outstanding debts to two other significant creditors which totaled over \$10,000 and effectively disputed debts to two other creditors. Overall he has now demonstrated that he has control of his finances. Multiple letters attest to his good character and fine work. While he has a German wife and her children are German citizens, they have no ties to the German government and no susceptibility to pressure. His foreign financial interests are minimal and not sufficient to affect his security responsibilities. Clearance is granted.

STATEMENT OF THE CASE

The Defense Office of Hearings and Appeals (DOHA) issued a Statement of Reasons (SOR) to the Applicant on April 10, 2002. The SOR detailed reasons why the Government could not make the preliminary positive finding that it is clearly consistent with the national interest to grant or continue a security clearance for the Applicant. [\(1\)](#) (Item 1) The SOR alleges specific concerns over criminal conduct (Guideline J) in paragraph 1; over financial issues (Guideline F) in paragraph 2; and over foreign influence (Guideline B) in paragraph 3. Applicant responded to these SOR allegations in an Answer notarized on April 30, 2002, and requested a hearing.

The case was assigned to Department Counsel who on May 28, 2002, attested it was ready to proceed. On May 30, 2002, the case was assigned to me. Subsequently, a mutually convenient date for hearing was agreed to and a Notice of Hearing issued on June 6, 2002, set the matter for June 19, 2002. At the hearing the Government introduced 11 exhibits which were admitted into evidence (Exhibits 1-11). Applicant testified himself and called three other witnesses; he offered three exhibits (Exhibits A through C) which were admitted into evidence. His request for additional time to submit other information was granted for two additional weeks until June 30, 2002; the Government was granted additional time until July 10, 2002, to review the information. (TR 104-105; 110; 134-5) Applicant submitted a letter dated June 30, 2002, with attachments (Exhibit D) and requested an additional extension which I granted. On July 8,

2002, he submitted another exhibit (Exhibit E). On July 12, 2002, the Government indicated no objection to these documents; and Exhibits D and E were admitted into evidence. The transcript (TR) was received on June 25, 2002, and the record closed on July 12, 2002.

FINDINGS OF FACT

After a complete and thorough review of the evidence in the record, and upon due consideration of that evidence, I make the following additional Findings of Fact:

Applicant, a 35-year-old employee, works for a defense contractor⁽²⁾ (Employer #1) in an overseas assignment. (Answer) In October 1997 he completed a Security Clearance Application (Standard Form 86) and requested a security clearance which he needs for his position. Earlier he worked for Employer #2 beginning in May 1996 and previously worked overseas in other jobs. (Answer; Exhibits 1, 11; TR 20-23, 38-39)

Applicant was married in State #1 to Wife #1 in June 1986 and divorced in July 1988. He married Wife #2 in August 1988 and divorced in October 1996 in the US while he lived overseas. He married wife #3, a German citizen, in November 1996. She has two children, also German citizens, born in 1987 and in 1995; the child born in 1995 is Applicant's son. Applicant has three other children. (Exhibits 1, 11; Exhibit C, Attachment G; TR 84, 88; 92-94)

Applicant served in the U.S. military from October 1990 to December 1993 and from May 1989 to October 1990 he served in the state national guard. He was given a General under Honorable Conditions discharge in December 1993 from the US military. (Exhibits 1, 6, 11)

Criminal Conduct and Financial Considerations

When Applicant was 19 years old, he was arrested in February 1985⁽³⁾ in State #1 for Forgery in the 2nd Degree, a felony; after the charge was amended to Criminal Attempt, he pled guilty, was fined \$100 and sentenced to six months in prison, suspended to two years of adult probation. In January 1986 he was arrested for Theft by Unlawful Taking in State #1, pled guilty and was fined \$200. In March 1988 he rented a car and wrote a check to cover the costs of \$143.70 which later bounced when Wife #1 withdrew money from their joint account; in March 1988 a criminal complaint was filed but was dismissed after he paid the amount owed for the rental car. (SOR 1.a., 1.b., 1.c.; 2.a., 2.b.) (Answer; Exhibits 7, 8, 9; Exhibit C, Attachment A; TR 69-70; 127-129) The Government conceded that his criminal conduct was not recent. (TR 112) Applicant has subsequently matured and been rehabilitated as demonstrated by the multiple favorable letters which attest to his good character. (Exhibit A)

Applicant denies submitting a fraudulent claim for over \$2,000 for a computer during his military transfer to an overseas assignment in July 1992 as he never owned that brand. However, he concedes that his second wife claimed some missing items; but he was on assignment at the time and did not see the exact items she claimed. The issue was never resolved due to his subsequent discharge from the military. The Federal Bureau of Investigation (FBI) reported in April 1994 that when the matter was referred to the U.S. Attorney in State #1 that the office declined any federal prosecution under Title 18 United States Code (USC) Sections 286 and 287. (SOR 2.c) (Answer; Exhibit 10; Exhibit C, Attachment F; TR 71-73; 130) I resolve this issue for the Applicant.

While in his overseas assignment his installation check-cashing privileges were suspended for twelve months in July 1992 after his second offense for writing bad checks; further, he was required to attend remedial training for checkbook maintenance. His installation check-cashing privileges were again suspended for eighteen months in July 1992 after his third offense for writing bad checks; again, he was required to attend remedial training for checkbook maintenance. He was given an Article 15 for making and uttering worthless checks. He explained that while he was out of town on military assignments, Wife #2 would overdraw their account when he had no knowledge of her actions. However, his command always held Applicant to be at fault. (Answer; Exhibit 6; TR 95-98; 106) In addition to the mandatory training, Applicant voluntarily took additional financial training. (TR 106-107)

To his credit Applicant fully disclosed his many financial difficulties in his SF 86. The SOR alleged a January 1993 debt of over \$2,000 to Creditor #1 (SOR 2.f.). Since it was charged off, Applicant has had difficulty in getting the overseas

representatives of Creditor #1 to identify the exact amount owed from their records; he has gotten "three or four different series of amounts of money that's owed." This creditor is no longer listed on his credit report as he has not used this creditor since he was discharged from the military. He has been confused over the correct amount owed and was unable to resolve this matter from his overseas assignment. While he was in the US for the hearing, he was able to resolve the amount owed to Creditor #1 and reached an agreement to pay them \$7,083 in full settlement of the debt. (Answer; Exhibit 4; Exhibits D & E; TR 75-76; 88; 102-103; 125-126) I resolve this issue for the Applicant.

Applicant's debt to Creditor #2 for approximately \$2,600 (SOR 2.g.) was turned over for collection in October 1994 for fire damage to his quarters and military gear when he was in the military and assigned overseas. Initially, he thought all of the possible claims had been taken from his pay when he was separated from the military and out processed in State #2. A year later he learned of Creditor #2's claim; however he was seeking employment and unable to resolve the debt then because of financial difficulties growing from his divorce from Wife #2. However, he was not able to allocate this debt to his wife during the divorce proceedings. Although he was aware of the debt since 2000, he had trouble getting the exact amount he owed verified. In April 2002 he worked out an agreement to pay Creditor #2 the debt of \$2,295 with payments of \$75.66 per month. He made the May 2002 payment. In July 2002, he paid Creditor #2 \$2,135.87 to resolve the debt to them fully. (Answer; Exhibits 4, 5; Exhibit C, Attachment C; Exhibit D, Attachment C, & Exhibit E; TR 73-75; 88-95; 122-125) I resolve this issue for the Applicant.

Applicant bought a CD-ROM from Mr. X in 1997 but has not paid him as he claims to have no contact information for Mr. X. (SOR 2.h). Mr. X was a customer at a former company where Applicant was employed. He would like to resolve the matter if he could identify his address, but has been unable to do so. (Answer; Exhibit 4; TR 83-84; 98) Given Applicant's good faith efforts to solve this matter, I resolve this issue for the Applicant.

As Applicant has not lived in the US since 1991, he disputes a telephone debt of \$593 in State #1. He believes it is a debt incurred by Wife #2 who "stole" his identity in State #1 to get telephone service for a residence where he has never lived. After he contacted the creditor to begin fraud proceedings, the debt was re-assigned to his former wife. He paid another telephone debt created by Wife #2 to resolve them matters with that creditor fully. (Answer, Exhibits 4, 5; TR 77-78; Exhibit C, Attachments D & E; Exhibit D, Attachment B) I resolve this issue for the Applicant.

In December 1993 Applicant was discharged from active military duty with a general discharge after he demonstrated a pattern of misconduct in failing to pay his debts, making and uttering worthless checks, failing to maintain sufficient funds, and failing to be at the appointed place of duty at the prescribed time. Applicant attributed his problems to the conduct of Wife #2 while he was in an overseas assignment as he had marital problems and was subsequently divorced in 1996. (Answer; Exhibit 6)

In February 2000 and again in May 2001 Applicant was interviewed by the Defense Security Service (DSS) and explained his finances further. (Exhibits 4 & 5) He attributed the debts to Creditors #1 and #2 to his overseas assignment in 1992 and Wife #2's financial excesses. He committed to resolve the debts and was attempting to work out an agreement. He disputed the telephone debt. No Personal Financial Statement was provided. (Exhibit 5)

Applicant has re-established his credit with other creditors. (Exhibit 2) He currently owes \$153 on one credit card, \$45 on another, and approximately \$1,500 on his German credit card. (Answer; Exhibit C, Attachment J; TR 99-102) Applicant has not had any returned checks since 1994 when he was discharged from the military. Since 1996 Applicant has worked to resolve his past debts and build financial stability. Both he and Wife #3 manage their joint money. Most of his bills are paid by a debit from his bank. (TR 107-109)

In the nine years since his divorce from Wife #2, Applicant has rebuilt his life. He presented a budget which documented his actual monthly expenses and income. His income is over \$44,000 plus he receives a 10% cost of living adjustment and an annual housing allowance of over \$25,000. With his and his wife's combined annual income, COLA, and housing allowance which total over \$72,000 and with combined expenses of approximately \$36,000, he is clearly now able to live within his means. (TR 127; Exhibit D, Attachment D)

Foreign Influence

Applicant's Wife #3 is a German citizen as are her two children. He intends to get US citizenship for his son as well as for Wife #3 and his stepchild. However, he cannot start the process while they live in Germany. Applicant's wife (5) works for a German company that is not connected to the German government. (Exhibits 1, 11; TR 79; 85-86)

Since Applicant lives in Germany, he explained it is easier to have a German bank to deal with creditors there. He maintains a German bank account with a US bank and also has a car loan and credit card with that bank. His check is directly deposited there and his bills are directly debited from that account to make sure they are paid on time. (Answer; TR 79)

Employer #1's Deputy Program Manager (Witness #1) in explaining the procedures that US contractors use in overseas assignments testified that it was not unusual for Employer #1's employees to have a German spouse. (TR 25-29, 33-36) Employer #1's employees have to function in the German economy so they have to be able to understand the exchange rate and many of the contractor's employees have their money in German banks to optimize the exchange rate to pay for housing and other expenses. (TR 30-31)

References and Evaluations

Employer #1's Deputy Program Manager does not directly supervise Applicant but has reviewed his performance for the five years he has had the position. Applicant joined Employer #1 in November 1997 in the technical support center and is now a supervisor. Applicant's ratings have been better than average. The manager assessed Applicant as doing good work and being an integral part of the management team in his overseas assignment. He knows of no adverse information about the Applicant. (TR 36-38; 40-41)

Witness #2, the contacting officer's representative when Applicant was initially hired, testified that to his knowledge Applicant did an excellent job and there were no adverse reports with respect to security issues. As a government employee, Witness #2 does not supervise Applicant and has had no direct personal contact with him. He might see him when he travels overseas to the location where Applicant is assigned. The initial contract was in effect from September 1996 to June 2000 when there was a new contract. Witness #2 supervised that contract until June 2001 when he became the alternate. (TR 45-49)

Applicant submitted 24 letters of reference and commendations from individuals who have known him in his overseas assignment with Employer #1; they uniformly describe him as an asset to the contract. (Exhibit A; TR 56-57) The information assurance manager reviewed his security files in June 2002 and found no adverse information about the Applicant. Also, the information system security officer (ISSO) who has known Applicant since May 1999 described him as being very security conscious and having an outstanding performance. The assistant contracting officer who oversees all of the employees and who has had daily contact with Applicant for two years also provided a favorable reference attesting to his "unyielding devotion to his duties" and his "absolute dedication to achieving superior results" in his duties. The chief of the resource management division for the command also provided a favorable reference where she described him as "exemplary." Also, the deputy program manager who has known Applicant since November 1997 endorsed him as a person of excellent character and high moral values. He also commented on the progression Applicant has made with a variety of assignments and promotions and described his performance as of "the highest caliber." (Exhibit A, TR 63-67) Two co-worker from another company also provided favorable character references. (Exhibit A, TR 67-68)

Applicant's Performance Appraisals from November 1997 to March 2002 document his duties and the good to excellent quality of his performance. His most recent overall performance rating was at the Very Good level; he was assessed as a "fine technician and team player." He was described as one of the "brightest and most talented technical performers" on the contract. Because he has an in-depth knowledge, he is often sought after to assist in resolving difficult issues. (Exhibit B, TR 68)

POLICIES

Enclosure 2 of the Directive sets forth adjudicative guidelines to consider in evaluating an individual's security eligibility. They are divided into conditions that could raise a security concern and may be disqualifying and conditions

that could mitigate security concerns in deciding whether to grant or continue an individual's access to classified information. But the mere presence or absence of any given adjudication policy condition is not decisive. Based on a consideration of the evidence as a whole in evaluating this case, I weighed relevant Adjudication Guidelines as set forth below :

Guideline J - Criminal Conduct

A history or pattern of criminal activity creates doubt about a person's judgment, reliability and trustworthiness.

Conditions that could raise a security concern and may be disqualifying include:

- a. Allegations or admissions of criminal conduct, regardless of whether the person was formally charged;
- b. A single serious crime or multiple lesser offenses.

Conditions that could mitigate security concerns include:

- a. The criminal behavior was not recent;
- f. There is clear evidence of successful rehabilitation.

Guideline F - Financial Considerations

An individual who is financially overextended is at risk of having to engage in illegal acts to generate funds. Unexplained affluence is often linked to proceeds from financially profitable criminal acts.

Conditions that could raise a security concern and may be disqualifying include:

1. A history of not meeting financial obligations;
3. Inability or unwillingness to satisfy debts;

Conditions that could mitigate security concerns include:

1. The behavior was not recent;
3. The conditions that resulted in the behavior were largely beyond the person's control (e.g., loss of employment, a business downturn, unexpected medical emergency, or a death, divorce or separation);
4. The person has received or is receiving counseling for the problem and there are clear indications that the problem is being resolved or is under control;
6. The individual initiated a good-faith effort to repay overdue creditors or otherwise resolve debts.

Guideline B - Foreign Influence

The concern: A security risk may exist when an individual's immediate family, including cohabitants, and other persons to whom he or she may be bound by affection, influence, or obligation are: (1) not citizens of the United States or (2) may be subject to duress. These situations could create the potential for foreign influence that could result in the compromise of classified information. Contacts with citizens of other countries or financial interests in other countries are also relevant to security determinations if they make an individual potentially vulnerable to coercion, exploitation, or pressure.

Conditions that could raise a security concern and may be disqualifying include:

1. An immediate family member, or a person to whom the individual has close ties of affection or obligation, is a citizen

of, or resident or present in, a foreign country

8. A substantial financial interest in a country, or in any foreign-owned or -operated business that could make the individual vulnerable to foreign influence.

Conditions that could mitigate security concerns include:

1. A determination that the immediate family member(s), (spouse, father, mother, sons, daughters, brothers, sisters), cohabitant, or associate(s) in question are not agents of a foreign power or in a position to be exploited by a foreign power in a way that could force the individual to choose between loyalty to the person(s) involved and the United States;

5. Foreign financial interests are minimal and not sufficient to affect the individual's security responsibilities.

The responsibility for producing evidence initially falls on the Government to demonstrate that it is not clearly consistent with the national interest to grant or continue Applicant's access to classified information. Then the Applicant presents evidence to refute, explain, extenuate, or mitigate in order to overcome the doubts raised by the Government, and to demonstrate persuasively that it is clearly consistent with the national interest to grant or continue the clearance. Under the provisions of Executive Order 10865, as amended, and the Directive, a decision to grant or continue an applicant's security clearance may be made only after an affirmative finding that to do so is clearly consistent with the national interest. In reaching the fair and impartial overall common sense determination, the Administrative Judge may draw only those inferences and conclusions that have a reasonable and logical basis in the evidence of record.

CONCLUSIONS

Criminal Conduct

As a young man, Applicant had a series of criminal incidents in 1985, 1986, and 1988 in State #1 that raised concerns over this criminal conduct. Further, he was discharged from the military in 1993 for his underlying misconduct in uttering worthless checks. However, he has mitigated⁽⁶⁾ those concerns because of the passage of time and by his subsequent good conduct which demonstrates clear evidence of his successful rehabilitation. This qualitative change for the better is demonstrated by the many positive character references and his excellent performance on the job.

For example, the information system security officer (ISSO) described him as being very security conscious and being an outstanding performer. The assistant contracting officer who oversees all of the employees and who has had daily contact with Applicant for two years also provided a favorable reference attesting to his "unyielding devotion to his duties" and his "absolute dedication to achieving superior results" in his duties. The chief of the resource management division for the command also provided a favorable reference where she described him as "exemplary." Also, the deputy program manager who has known Applicant since November 1997 endorsed him as a person of excellent character and high moral values. He also commented on the progression Applicant has made with a variety of assignments and promotions and described his performance as of "the highest caliber." Thus, after considering the Appendix I Adjudicative Process factors and the Adjudicative Guidelines, I rule for Applicant on subparagraph 1.a. through 1.d. under SOR Paragraph 1.

Financial Considerations

Applicant has (1) a history of financial problems, including criminal conduct (discussed above) and has shown (3) an inability or unwillingness to satisfy debts which is worsened by his delay in resolving the debts to Creditors #1 and #2. (SOR 2.f-2.g.) Further, he was subjected to military sanctions for uttering worthless checks, while he was assigned overseas and married to Wife #2, that ultimately led to his discharge from the military. He further raised security concerns by his subsequent failure to address sufficiently and promptly pay his debts from that 1992-93 period. Overall he neglected for several years the responsibility to address and resolve these debts that stem from his time in the military and his marriage to Wife #2.

On the other hand Applicant effectively disputed the SOR allegations concerning an alleged fraudulent military claim,

that was never prosecuted (SOR 2.c.). He also rebutted a telephone charge for an account established by Wife #2 after their divorce (SOR 2.i.). While in the military, he received counseling for his financial problems and there is no evidence of any significant new debts after that troubled time period except that he bought a CD-Rom in 1997 from an individual he has never paid.

Applicant demonstrated he met many of the mitigating conditions (MC-[\(7\)](#)). Security concerns may be mitigated if conditions were largely beyond the person's control (e.g., loss of employment, a business downturn, unexpected medical emergency, or a death, divorce or separation). Clearly, his marital problems with Wife #2 contributed to his financial difficulties. Also, he explained persuasively the difficulties of contacting Creditors #2 and #3 from his overseas assignment to get a final pay-off figure and the difficulties of finding the individual from whom he bought a CD-Rom in 1997. After the hearing and while he was in the US, he demonstrated his ability to resolve this long-standing concern. He was able to successfully contact Creditors #2 and #3 and paid them in full a total of \$10,000. By finally resolving the matter with them, he was able to demonstrate he meets the "good faith" standard in repaying his overdue creditors.

Further, Applicant has a good income and a stable job where he is highly regarded as discussed above. He provided updated budget information which shows he now lives within his income. Also, he provided evidence he is currently meeting all of his obligations. Though he has not resolved the debt to the individual for the CD-ROM he explained his good faith efforts to try to get information to contact the individual. That unresolved issue alone for a minimal amount is not a sufficient basis to reach an adverse conclusion. Thus, Applicant has sufficiently demonstrated he is now financially responsible. After considering the Appendix I Adjudicative Process factors and the Adjudicative Guidelines, I rule for Applicant on all subparagraphs under SOR Paragraph 2 as I conclude that he has mitigated the allegations in SOR 2.a., through 2.l.

Foreign Influence

The Government also expressed security concerns over possible foreign influence raised by Applicant's close ties of affection to citizens of a foreign country: he has a wife who is a citizen of Germany and she has two sons who are also German citizens. (The record is not clear on the citizenship status of his son who was born before he married Wife #3. I conclude he remains a German citizen.) While Applicant wants to sponsor them all to become US citizens, they cannot initiate the process while they are living overseas. Further, Applicant maintains a German bank account and has loans and a credit card with the same bank. The security concern under Guideline B, Foreign Influence, is that a security risk may exist when an individual's immediate family. . . and other persons to whom he or she may be bound by affection, influence, or obligation are: (1) not citizens of the United States or (2) may be subject to duress. These situations could create the potential for foreign influence that could result in the compromise of classified information. Contacts with citizens of other countries or financial interests in other countries are also relevant to security determinations if they make an individual potentially vulnerable to coercion, exploitation, or pressure. Conditions that could raise a security concern and may be disqualifying include: (1) an immediate family member, or a person to whom the individual has close ties of affection or obligation, is a citizen of, or resident or present in, a foreign country. Also, (8) a substantial financial interest in a country, or in any foreign-owned or -operated business could make the individual vulnerable to foreign influence.

Nevertheless, these security concerns are mitigated by the fact that Applicant's wife and children have no ties to their foreign government; nor is there any substantial likelihood that they would be subject to duress and thus exercise foreign influence over Applicant. Merely because of these family ties, Applicant is not vulnerable to duress. Given his history of responsible conduct, I think it improbable that his any of his family members would create a situation that could result in the compromise of classified information. Simply having a German bank account and having loans and a credit card with the same bank does not sufficiently establish a "substantial" financial interest. I conclude this bank relationship does not establish a substantial financial interest in the light of the company witness who testified that it was common practice for their overseas employees to maintain a foreign bank account for ease in paying bills in the country currency. I conclude his foreign financial interests are minimal and not sufficient to affect the his security responsibilities.

Contacts with citizens of other countries are relevant to security determinations only if they make an individual potentially vulnerable to coercion, exploitation, or pressure through threats against those foreign relatives. Any risk of

foreign duress or influence on Applicant and/or his immediate family would appear to be slight and clearly manageable as Germany is a democratic government and NATO ally; and his family has no ties to the government.

Security clearance decisions are predictive judgments about an applicant's security eligibility in light of the applicant's past conduct and present circumstances. *Department of Navy v. Egan*, 484 U.S. 518, 528-29 (1988). Acts indicative of foreign influence warrant careful scrutiny. After considering the Enclosure 2 Adjudicative Process factors and the Adjudicative Guidelines, here I conclude these ties are not of such a nature as to create any tangible risks of undue pressure, so do not invoke such foreign influence concerns. Thus, I resolve SOR paragraph 3 and subparagraphs 3.a. through 3.d. in Applicant's favor.

FORMAL FINDINGS

After reviewing the allegations of the SOR in the context of the Adjudicative Guidelines in Enclosure 2 and the factors set forth under the Adjudicative Process section, I make the following formal findings:

Paragraph 1. Guideline J: FOR APPLICANT

Subparagraph 1.a.: For Applicant

Subparagraph 1.b.: For Applicant

Subparagraph 1.c.: For Applicant

Subparagraph 1.d.: For Applicant

Paragraph 2. Guideline F FOR APPLICANT

Subparagraph 2.a.: For Applicant

Subparagraph 2.b.: For Applicant

Subparagraph 2.c.: For Applicant

Subparagraph 2.d.: For Applicant

Subparagraph 2.e.: For Applicant

Subparagraph 2.f.: For Applicant

Subparagraph 2.g.: For Applicant

Subparagraph 2.h.: For Applicant

Subparagraph 2.i.: For Applicant

Subparagraph 2.j.: For Applicant

Paragraph 3. Guideline B FOR APPLICANT

Subparagraph 3.a.: For Applicant

Subparagraph 3.b.: For Applicant

Subparagraph 3.c.: For Applicant

Subparagraph 3.d.: For Applicant

DECISION

In light of all the circumstances presented by the record in this case, it is clearly consistent with the national interest to grant or continue a security clearance for the Applicant.

Kathryn Moen Braeman

Administrative Judge

1. This procedure is required by Executive Order 10865, as amended, and Department of Defense Directive 5220.6, dated January 2, 1992 (Directive), as amended by Change 4, April 20, 1999.
2. Witness #1 explained the procedures that US contractors use in overseas assignments. (TR 25-30, 33-36; 41-43) Witness #2 was the contacting officer's representative when Applicant was initially hired. (TR 45-49)
3. Applicant's mother testified that this incident was the only time he was in trouble as a teenager. (TR 54-55)
4. In closing argument Applicant testified that his son was a US Citizen. (TR 118-119) He offered no additional evidence to establish this point; as the son was born before he and Wife #3 were married, I conclude that this son is a German citizen.
5. No allegation was made concerning his wife's German siblings. He explained she is one of ten children; her siblings have various jobs in the private sector and are not connected to the German government. All her brothers were mandated to serve on year of military service which they have completed; none currently have any association with the German military.
6. **Conditions that could mitigate security concerns include:** a. The criminal behavior was not recent;
f. There is clear evidence of successful rehabilitation.
7. **Conditions that could mitigate security concerns include:** 1. The behavior was not recent; 2. It was an isolated incident; 3. The conditions that resulted in the behavior were largely beyond the person's control (e.g., loss of employment, a business downturn, unexpected medical emergency, or a death, divorce or separation); 4. The person has received or is receiving counseling for the problem and there are clear indications that the problem is being resolved or is under control; 5. The affluence resulted from a legal source; and 6. The individual initiated a good-faith effort to repay overdue creditors or otherwise resolve debts.