

DATE: October 25, 2006

In re:

SSN: -----

Applicant for Security Clearance

CR Case No. 05-17625

DECISION OF ADMINISTRATIVE JUDGE

CAROL G. RICCIARDELLO

APPEARANCES

FOR GOVERNMENT

Ray Blank, Esq., Department Counsel

FOR APPLICANT

Pro Se

SYNOPSIS

Applicant is 53 years old and has worked for his current employer, a federal contractor since 2003. He started to have financial problems when he and his wife had serious medical issues and he had a period of unemployment. He has regained his health and has been back at work since 2003. He disputes many of his debts, but has not resolved them. He claimed he did not know his debts were delinquent, but the evidence is to the contrary. He told people he worked with on a military base that he had served in the military when he did not. He has been given written warnings on two occasions by his employer for violating company policies and lying. Applicant failed to mitigate the security concerns under Guideline F, financial considerations, Guideline E, personal conduct, and Guideline J, criminal conduct. Clearance is denied.

STATEMENT OF THE CASE

The Defense Office of Hearings and Appeals (DOHA) declined to grant or continue a security clearance for Applicant. On February 16, 2006, under the applicable Executive Order⁽¹⁾ and Department of Defense Directive,⁽²⁾ DOHA issued a Statement of Reasons (SOR), detailing the basis for its decision—security concerns raised under Guideline F, (financial considerations), Guideline E (personal conduct) and Guideline J (criminal conduct) of the Directive. Applicant answered the SOR in writing on April 10, 2006, and elected to have a hearing before an administrative judge. In his Answer, Applicant admitted allegations under ¶¶ 1.b, 1.c, 1.e, 1.f, 1.h, 1.i, 1.j, and 2.c-2.f. He denied the allegations in SOR ¶¶ 1.a, 1.d, 1.k, 2. a, 2.b and 3.a. He failed to respond to allegation ¶ 1.g. The case was assigned to another judge on August 24, 2006, and reassigned to me on August 28, 2006. A notice of hearing was issued on August 29, 2006, scheduling the hearing for September 12, 2006. Applicant agreed to proceed with the hearing on the scheduled date and I conducted the hearing as scheduled to consider whether it is clearly consistent with the national interest to grant or continue a security clearance. The Government offered four exhibits for admission in the record and marked as Government Exhibits (GE) 1-4. The exhibits were admitted into evidence without objection. The Government had one witness who testified. Applicant testified on his own behalf and offered eleven exhibits for admission into the record. They were marked as Applicant's Exhibits (AE) A-K and were admitted into evidence without objection. DOHA

received the hearing transcript (Tr.) on October 3, 2006.

FINDINGS OF FACT

Applicant's admissions to the allegations in the SOR, are incorporated herein. In addition, after a thorough and careful review of the pleadings, exhibits, and testimony, I make the following findings of fact:

Applicant is 53 years old, a college graduate, married with two children, and has worked for his current employer, a federal contractor, since 2003. In 2000 Applicant was diagnosed with a serious illness. He incurred substantial medical bills. His wife continued to work and they met their expenses. In 2002 his wife was diagnosed with a serious illness and they incurred additional medical bills. His wife is currently disabled and unable to work. Applicant experienced unemployment and underemployment from approximately 2001 until approximately the middle of 2002. He had difficulty paying his credit card bills and his medical deductibles and copayments from that time and they have remained delinquent. He is able to meet his current monthly expenses.

At some point Applicant signed up for credit protection plans with his credit card companies.⁽³⁾ Each plan provided under certain circumstances the debtor's minimum monthly payment is deferred, interest and late penalties do not accrue, and derogatory notices are not sent to credit bureaus, thereby protecting the debtor's credit.⁽⁴⁾ It is the debtor's responsibility to comply with the terms of the agreement and keep the company informed of the status of his disability and any changes. The maximum length of deferment is 24 months. Applicant claimed the protection plans were to pay his monthly minimum payments, however the contracts provided by Applicant as evidence read to the contrary.⁽⁵⁾ The payment is merely deferred and once the deferment ends the minimum monthly payment must be paid. Written proof is required to confirm the reason for the activation of the plan and deferment of payments, and to update the status. There are numerous events that trigger deactivation of the plan, such as the hospitalization, disability or unemployment ceases.

At some point, Applicant qualified for the protection.⁽⁶⁾ Applicant provided a letter with an offer/advertisement from one credit protection plan stating the debtor "MAY" qualify for a plan whereby the creditor would make the monthly payments owed. However, Applicant did not provide any evidence that this term was in any of his agreements.⁽⁷⁾ The plan brochures he provided mentioned payment deferral and not payments being made. Applicant incorrectly believed these credit protection plans would pay his credit card payments when he could not. Applicant provided documents to show a credit protection plan was in effect at one time and there was a zero minimum balance reflected on a document.⁽⁸⁾ He also provided documents that showed certain payments were made, but because he failed to provide sequential monthly statements on his different accounts it is unclear what the statements actually reflect. The account number on certain letters did not reflect the account number on his monthly statements.⁽⁹⁾ He did not provide evidence as to what date the plan went into effect and if he had complied with all the requirements.

Although Applicant was contacted by collection companies and felt harassed, he refused to deal with any third party collection companies because he believed them to be unscrupulous. He made several successful attempts to have his credit card companies correct errors made in charging fees that were to be deferred and correcting the errors on his credit report.⁽¹⁰⁾

Applicant requested a financial hardship release from his medical provider for deductibles and copayments he could not pay. He did not provide any documentation indicating a release was granted. He did not make any effort to review his credit report or create a list as to which medical bills had been released, but assumed all were. He claimed the medical provider released his delinquent bills, but refused to provide him documentation of the release. Applicant did not list his medical delinquencies on his SCA because he thought he did not have to pay them because he requested a financial hardship release.

When Applicant completed his security clearance application (SCA) on March 17, 2003, he claimed he did not believe he had delinquent debts over 90 or 180 days.⁽¹¹⁾ He thought his credit cards were being paid by the credit protection plan and his medical bills were released due to financial hardship. In the General Remarks section of Question 43 he stated: "To the best of my knowledge all of my bills are current and there are no outstanding liens or judgements." On an updated December 16, 2004 SCA Applicant did not list any delinquent debts over 180 or 90 days. In this SCA he did

not make any comments pertaining to his finances in the General Remarks section of Question 43. At that time, Applicant minimally knew he had disputes with his credit card companies because he believed the collection companies were harassing him. He provided one letter showing that his claim for deferral of payments had been extended for two months, February to March 2004. No evidence was presented to show the deferral was extended beyond those dates. (12) It recorded the "date of occurrence" as April 29, 2002, and the reason for the deferral was involuntary unemployment. It also states Applicant is required to advise the company immediately if the "occurrence ends before the 2-month pre-approved period is over." (13) No document was provided to show what date the "occurrence" ended. Applicant lists on his March 17, 2003 SCA that he was employed by a federal contractor from December 6, 2002 to March 17, 2003. On his December 16, 2004 SCA he states he was employed with his current employer from September 3, 2003 to the present. Another letter from a different credit card company also approved the activation of the credit protection plan and extended it through May 2004. It further states: "When Credit Protection activation ends, you will be required to make your minimum monthly payments" (14) No other documents were provided to show that a credit protection plan was extended beyond the above dates. No information was provided as to why Applicant was entitled to the credit protection if he was employed. Despite Applicant's disputes regarding the terms of the credit protection programs, it is clear that he was eventually required to pay the balances on his credit card debts, but has not done so.

I find at the time Applicant completed his SCA in March 2003 he was aware he had medical debts he was unable to pay. I find at the time Applicant filled out an updated SCA in December 2004 he was aware he had credit card debts that were in dispute regarding their delinquency status. The documentation provided, viewed in the light most favorable to the Applicant, indicates that the payments on at least one credit card debt were deferred until May 2004, and on the other until March 2004. There is nothing to show extensions beyond those dates. Applicant knew when he filled out his December 2004 SCA that these credit card bills were in dispute and the credit card company considered them delinquent. Applicant intentionally did not list anything regarding these issues on his SCA. His testimony was not credible.

Regarding the debt alleged in SOR ¶1.a Applicant denies this debt, claiming he paid it, but the company would not provide a document to verify his payment. SOR ¶ 1.b is a medical debt. Applicant does not know what the debt is for and made no attempt to determine its status or validity with his medical provider. He stated he did not have a problem with paying this debt for \$33, but has not. He acknowledged the debts in SOR ¶¶ 1.c, 1.f, 1.g, and 1. h for medical services and contacted the creditor and tried to settle the debts. He was told they were in collection. He has not paid them. Applicant was very unclear when he filed for a financial hardship waiver and what debt it applied to. He claims he does not know who the creditor is in ¶ 1.d. and has made no attempt to research or resolve it. Applicant does not dispute the debts in SOR ¶¶ 1.e, 1.i, 1.j and 1.k, yet he has not paid them.

Applicant was interviewed by a Defense Security Service (DSS) Investigator in October 2005. Applicant acknowledged he was aware he had medical debts when he filled out his SCA. (15) However, he claimed he was unaware that the bills had been turned over to a collection agency for collection and he did not have the money to pay them. (16) He indicated that his insurance paid some monies and he was responsible for copayments and deductibles. He was aware those payments were accumulating. (17) He did not provide an explanation as to why he did not list his medical debts on his SCA. Applicant told the Investigator he was not delinquent on his credit card debts because of the credit protection plans, and was not going to pay them. He intended to wait until the debts dropped off his credit report.

Applicant was not credible in claiming he believed he did not have any delinquent debts. Some of his testimony contradicted both the DSS investigator's testimony and his original Answer to the SOR. He refuses to deal with the collection agencies to whom the debts were sold. (18) He stated they want more money than he can pay so he will let the debts sit. He will only deal with the original creditors. (19) His attitude is that he does not have the money and that is the way it is.

Applicant was terminated from civilian employment due to a personality conflict with a new manager. There was nothing derogatory related to his termination.

Applicant misrepresented himself to his work associates at the military base where he is employed by claiming he had prior military service in the Navy. He also misrepresented to a fellow worker at a civilian work place that he was a

Vietnam veteran who was injured in combat.⁽²⁰⁾ His misrepresentations were made to bolster his reputation and credibility and "fit in" with his coworkers.⁽²¹⁾

Applicant received a written warning on about August 23, 2004, from his employer for violating company policy. He received another warning on October 1, 2004, for violation of company policies, rudeness to customers/coworkers, and lying to a customer. He stated, "Yea, I was written up a couple times with NMCI for crossing over other companies supposed territories, and things that I did to get a task done for the command. I don't deny that, but the command commended me for it afterwards."⁽²²⁾

POLICIES

Enclosure 2 of the Directive sets forth adjudicative guidelines to be considered in evaluating a person's eligibility to hold a security clearance. Included in the guidelines are disqualifying conditions (DC) and mitigating conditions (MC) applicable to each specific guideline. Additionally, each security clearance decision must be a fair and impartial commonsense decision based on the relevant and material facts and circumstances, the whole-person concept, along with the factors listed in the Directive. Specifically these are: (1) the nature and seriousness of the conduct and surrounding circumstances; (2) the frequency and recency of the conduct; (3) the age of the applicant; (4) the motivation of the applicant, and the extent to which the conduct was negligent, willful, voluntary, or undertaken with knowledge of the consequences; (5) the absence or presence of rehabilitation; and (6) the probability that the circumstances or conduct will continue or recur in the future. Although the presence or absence of a particular condition or factor for or against clearance is not outcome determinative, the adjudicative guidelines should be followed whenever a case can be measured against this policy guidance.

The sole purpose of a security clearance determination is to decide if it is clearly consistent with the national interest to grant or continue a security clearance for an applicant.⁽²³⁾ The government has the burden of proving controverted facts.⁽²⁴⁾ The burden of proof is something less than a preponderance of evidence.⁽²⁵⁾ Once the government has met its burden, the burden shifts to an applicant to present evidence of refutation, extenuation, or mitigation to overcome the case against him.⁽²⁶⁾ Additionally, an applicant has the ultimate burden of persuasion to obtain a favorable clearance decision.⁽²⁷⁾

No one has a right to a security clearance⁽²⁸⁾ and "the clearly consistent standard indicates that security clearance determinations should err, if they must, on the side of denials."⁽²⁹⁾ Any reasonable doubt about whether an applicant should be allowed access to sensitive information must be resolved in favor of protecting such sensitive information.⁽³⁰⁾ The decision to deny an individual a security clearance is not necessarily a determination as to the loyalty of an applicant.⁽³¹⁾ It is merely an indication that the applicant has not met the strict guidelines the President and the Secretary of Defense have established for issuing a clearance.

Based upon consideration of the evidence, I find the following adjudicative guidelines most pertinent to the evaluation of the facts in this case:

Guideline F-Financial Considerations-a security concern because 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. Similarly, an individual who is financially irresponsible may also be irresponsible, unconcerned, or careless in their obligation to protect classified information. Behaving responsibly or irresponsibly in one aspect of life provides an indication of how a person may behave in other aspects of life.

Guideline E-Personal Conduct is a security concern when an individual's conduct involves questionable judgment, untrustworthiness, unreliability, lack of candor, dishonesty, or unwillingness to comply with rules and regulations that could indicate that the person may not properly safeguard classified information.

Guideline J-Criminal Conduct is a security concern because a history or pattern of criminal activity creates doubt about a person's judgment, reliability, and trustworthiness. Willingness to abide by rules is an essential qualification for

eligibility for access to the nation's secrets.

Conditions that could raise a security concern and may be disqualifying, as well as those which would mitigate security concerns, pertaining to the adjudicative guidelines are set forth and discussed in the conclusions below.

CONCLUSIONS

I have carefully considered all the facts in evidence and the legal standards.

Based on all the evidence, Financial Considerations Disqualifying Condition (FC DC) E2.A6.1.2.1 (*A history of not meeting financial obligations*), and FC DC E2.A6.1.2.3 (*Inability or unwillingness to satisfy debts*), apply in this case. Applicant had a significant amount of debt that he has accumulated over a long period of time. He is not willing to pay them, unless payments are made in accordance with his terms and conditions, otherwise he intends to wait for the debt to drop off his credit report.

I have considered all of the Financial Considerations Mitigating Conditions (FC MC), and especially considered FC MC E2.A6.1.3.1 (*The behavior was not recent*), FC MC E2.A6.1.3.2 (*It was an isolated incident*), FC MC E2.A6.1.3.3 (*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)*), FC MC E2.A6.1.3.4 (*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*), and FC MC E2.A6.1.3.6 (*The individual initiated a good-faith effort to repay overdue creditors or otherwise resolve debts*).

Applicant's debts are recent because they remain unpaid. He has numerous delinquent debts so his financial problems are not isolated. Hence, FC MC E2.A6.1.3.1 and FC MC E2.A6.1.3.2 do not apply. Applicant's financial problems were due to conditions beyond his control. Both he and his wife had serious medical problems. She can no longer work and he was unemployed and underemployed for a period of time. I find FC MC E2.A6.1.3.3 applies. Although the conditions were beyond his control, it is appropriate to consider whether he acted in a reasonable manner in handling his financial difficulties.⁽³²⁾ Applicant refused to deal with any collection agencies that have a legitimate claim. He assumed all of his delinquent medical debts were paid and he has not made an effort to determine which ones were released and which ones were not. Despite the specific language in the credit protection plans he refuses to believe he was required to make minimum monthly payments once his deferments ended, or to provide any contract stating that he did not have to pay his minimum payments once the deferments ceased. He does not intend to pay the creditors, but will wait until the delinquent entries are removed from his credit report after the required number of years has lapsed. Applicant has not made any legitimate attempt to pay his delinquent debts, even the smallest debt of \$33. He claims he does not have the money to pay them. I find Applicant has shown no indication that the problem is being resolved or is under control, nor has he initiated a good faith effort to resolve the debts. Basically, he has decided what rules he will play by, and if the creditors do not want to abide by his terms and conditions he will not pay them. Therefore, I conclude FC MC E2.A6. 1. 3.4 and FC MC E2.A6.1.3.6 do not apply.

At the time he completed the SCA Applicant was aware that he owed medical debts because he knew he did not pay the copays and deductibles. He was very evasive as to the date he applied for a financial hardship waiver. Whether he received a financial hardship release is questionable, but if he did, he had a duty to determine what debts were included. He has not provided any information to corroborate his assertions. He was also aware that the credit card companies considered his debts delinquent, as indicated by his refused to deal with collection companies. He did not provide any evidence to show his deferrals extended beyond May 2004, and could not because they would have only been deferred for a maximum period of 24 months. Applicant knew when he filled out his December 2004 SCA that these issues were in dispute and considered by the credit companies as delinquent.

The deliberate omission of relevant and material facts from a security clearance determination is a concern and may be disqualifying under Personal Conduct Disqualifying Condition PC DC E2.A5.1.2.2 (*The deliberate omission, concealment, or falsification of relevant and material facts from any personnel security questionnaire, personal history statement, or similar form used to conduct investigations, determine employment qualifications, award benefits or status, determine security clearance eligibility or trustworthiness, or aware fiduciary responsibilities*). Information is

material if it would affect a final agency decision or, if incorrect, would impede a thorough and complete investigation of an applicant's background. (33) An applicant's financial history is a matter that could affect a final agency decision on whether to grant the applicant a clearance, and an applicant's failure to disclose it would impede a thorough investigation of her background. Based on the above facts and Applicant's evasive answers, I conclude he intentionally did not reflect his true and accurate financial situation on his SCA and PC DC E2.A5.1.2.2 applies in this case.

I have considered PC DC E2.A5.1.2.1 (*Reliable, unfavorable information provided by associates, employees, coworkers, neighbors, and other acquaintances*), PC DC E2.A5.1.2.4 (*Personal Conduct or concealment of information that increases an individual's vulnerability to coercion, exploitation or duress, such as engaging in activities which, if known, may affect the person's personal, professional, or community standing or render the person susceptible to blackmail*), and PC DC E2.A5.1.2.5 (*A pattern of dishonesty or rule violations*) and find they apply. Applicant intentionally mislead coworkers both associated and not associated with the military to believe that he had served in the military. This is an honor reserved only for those who made the sacrifice of service to their country. Applicant wanted to be held in higher regard and therefore lied. He also willingly broke rules and received written warnings about violating company policy. He believed because the command was eventually pleased with his result that his violations were justified.

I considered all of the mitigating conditions and especially considered Personal Conduct Mitigating Condition (PC MC) E2.A5.1.3.2 (*The falsification was an isolated incident, was not recent, and the individual has subsequently provided correct information voluntarily*), PC MC E2.A5.1.3.3 (*The individual made prompt, good-faith efforts to correct the falsification before being confronted with the facts*), and PC MC E2.A5.1.3.5 (*The individual has taken positive steps to significantly reduce or eliminate vulnerability to coercion, exploitation, or duress*). There is no evidence to support an effort by Applicant to correct the falsifications before being confronted with the facts or that he took steps to reduce his vulnerability. Applicant's answers on his SCA regarding his debts were deliberate falsifications made with the intent to mislead and his testimony regarding this matter was not credible. He also intentionally mislead his coworkers into believing that he had served in the military and one person that he was a wounded Vietnam Veteran. He never went back and told his coworkers that he had lied. The totality of these incidents reflect a pattern of dishonesty and rule violations. This type of conduct is a serious concern because Applicant has shown he is willing to take liberties with the truth and disregard rules when it benefits him. He also displays a similar attitude regarding his finances, that is, he wants to decide what rules he will follow and not follow. When dealing with national security such conduct and attitude are unacceptable risks. None of the personal conduct mitigating conditions apply.

Based on all the evidence, Criminal Conduct Disqualifying Condition (CC DC) E2.A10.1.2.1 (*Allegations or admissions of criminal conduct, regardless of whether the person was formally charged*), and CC DC E2.A10.1.2.2 (*A single serious crime or multiple lesser offenses*), apply. Applicant intentionally and deliberately lied on his SCA, a violation of Title 18 U.S.C. § 1001, a felony.

I have considered all of the mitigating conditions and especially considered Criminal Conduct Mitigating Condition (CC MC) E2.A10.1.3.1 (*The criminal conduct was not recent*), CC MC E2.A10.1.3.2 (*The crime was an isolated incident*), CC MC E2.A10.1.3.4 (*The person did not voluntarily commit the act and /or factors leading to the violation are not likely to recur*), and CC MC E2.A10.1.3.6 (*There is clear evidence of successful rehabilitation*). Applicant's conduct is recent in that he deliberately omitted relevant information on his SCA and provided testimony at his hearing that was not credible. Therefore, CC MC E2.A10.1.3.1 and E2.A10.1.3.2 do not apply. There is no evidence that his actions were committed involuntarily. Applicant admits he made a mistake in claiming he had served in the military. However, with regard to his rules violations, he exhibits an attitude that the "ends justify the means." Due to a pattern of dishonesty, I am not confident that the conduct will not likely recur. Applicant's testimony also raises credibility issues, and therefore, I conclude that although he admits some of his transgressions, it is insufficient evidence of successful rehabilitation. None of the mitigating conditions apply.

The Whole Person Analysis

In all adjudications, the protection of our national security is the paramount concern. The objective of the security-clearance process is the fair-minded, commonsense assessment of a person's life to make an affirmative determination that the person is eligible for a security clearance. Indeed, the adjudicative process is a careful weighing of a number of

variables in considering the "whole person" concept. It recognizes that we should view a person by the totality of their acts, omissions, motivations and other variables. Each case must be adjudged on its own merits, taking into consideration all relevant circumstances, and applying sound judgment, mature thinking, and careful analysis.

I have also considered the following specific factors: the nature and seriousness of the conduct and surrounding circumstances, to include knowledgeable participation; the frequency and recency of the conduct; the age and maturity of the individual at the time of the conduct; the voluntariness of participation; the absence or presence of rehabilitation and other pertinent behavioral changes; the motivation for the conduct; the potential for pressure, coercion, exploitation, or duress; the likelihood of continuation or recurrence of the conduct.

I considered Applicant's serious health issues and those of his wife's and the impact it had on their finances. I took into account his motivation for his misrepresentations, the frequency of his conduct, his attitude toward his debts, and what he has done to resolve his disputes and delinquencies. I evaluated his demeanor and credibility, and the likelihood of recurring violations. Having considered all of the facts in light of the whole person, I conclude Applicant failed to mitigate the security concerns under Guideline F, financial considerations, Guideline E, personal conduct, and Guideline J, criminal conduct. Therefore, I am persuaded by the totality of the evidence in this case, that it is not clearly consistent with the national interest to grant Applicant a security clearance. Accordingly, Guidelines F, E, and J are decided against Applicant.

FORMAL FINDINGS

Formal Findings for or against Applicant on the allegations set forth in the SOR, as required by Section E3.1.25 of Enclosure 3 of the Directive, are:

Paragraph 1. Guideline F: AGAINST APPLICANT

Subparagraph 1.a-1.k: Against Applicant

Paragraph 2. Guideline E: AGAINST APPLICANT

Subparagraph 2.a-2.f: Against Applicant

Subparagraph 2.b: Against Applicant

Subparagraph 2.c: For Applicant

Subparagraph 2.d: Against Applicant

Subparagraph 2.e: Against Applicant

Subparagraph 2.f: Against Applicant

Paragraph 3. Guideline J: AGAINST APPLICANT

Subparagraph 3.a: Against Applicant

DECISION

In light of all of the circumstances in this case, it is not clearly consistent with the national interest to grant or continue a security clearance for Applicant. Clearance is denied.

Carol G. Ricciardello

Administrative Judge

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

2. Department of Defense Directive 5220.6, *Defense Industrial Personnel Security Clearance Review Program* (Jan. 2, 1992), as amended and modified.
3. Applicant did not provide any information as to what date he actually activated the credit protection plan nor did he provide a copy of his application. However, AE I and K are the credit card brochures outlining the details of the plans.
4. AE I and K.
5. AE I specifically states in paragraph 1 that it is not an insurance policy and will not pay any of the debtor's balances. In addition, it states when the credit protection ends, the debtor must start making minimum payments. AE K paragraph 2 states that during the deferment that the debtor is not required to make minimum monthly payments. It also states that the plan does NOT pay off any part of the account balance, and once the deferment ends the debtor must make the minimum monthly payments.
6. It is unknown exactly when the credit protection started and when it ended. It is unknown how Applicant notified the companies and when and how often he updated his status.
7. AE G.
8. AE E.
9. AE E, F and G.
10. AE F.
11. AE C, his response was to Questions 38 and 39 of the application.
12. Answer (letter from Creditor A, dated January 27, 2004).
13. *Id.*
14. Answer (letter from Creditor B, dated January 27, 2004).
15. Tr. 25.
16. *Id.*
17. Tr. 26.
18. Tr. 24.
19. Tr. 24.
20. I have not considered Applicant's statement to his civilian co-employee for disqualifying purposes, but have considered it when analyzing the "whole person" and whether it constitutes a continuing pattern of dishonesty.
21. Tr. 76.
22. Tr. 76.
23. ISCR Case No. 96-0277 at 2 (App. Bd. Jul. 11, 1997).
24. ISCR Case No. 97-0016 at 3 (App. Bd. Dec. 31, 1997); Directive, Enclosure 3, ¶ E3.1.14.
25. *Department of the Navy v. Egan*, 484 U.S. 518, 531 (1988).

26. ISCR Case No. 94-1075 at 3-4 (App. Bd. Aug. 10, 1995); Directive, Enclosure 3, ¶ E3.1.15.
27. ISCR Case No. 93-1390 at 7-8 (App. Bd. Jan. 27, 1995); Directive, Enclosure 3, ¶ E3.1.15.
28. *Egan*, 484 U.S. at 531.
29. *Id.*
30. *Id.*; Directive, Enclosure 2, ¶ E2.2.2.
31. Executive Order 10865 § 7.
32. ISCR Case No. 02-02116 at 4 (App. Bd. Sep. 25, 2003).
33. ISCR Case No. 01-06870, 2002 WL 32114535 (App. Bd. Sep. 13, 2002).