

DATE: December 11, 2007

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In Re:

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SSN: -----

Applicant for Security Clearance

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) ISCR Case No. 06-24898  
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**DECISION OF ADMINISTRATIVE JUDGE  
JOSEPH TESTAN**

**APPEARANCES**

**FOR GOVERNMENT**

Eric H. Borgstrom, Department Counsel

**FOR APPLICANT**

*Pro Se*

**SYNOPSIS**

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Applicant's failure to address his long-standing delinquent debts precludes a finding that it is clearly consistent with the national interest to grant him access to classified information. Clearance is denied.

**STATEMENT OF THE CASE**

On April 20, 2007, the Defense Office of Hearings and Appeals (DOHA), pursuant to Executive Order 10865 and Department of Defense Directive 5220.6 (Directive), dated January 2,

1992, issued a Statement of Reasons (SOR) to applicant which detailed reasons why DOHA could not make the preliminary affirmative finding under the Directive that it is clearly consistent with the national interest to grant or continue a security clearance for applicant and recommended referral to an Administrative Judge to determine whether clearance should be denied or revoked.

Applicant responded to the SOR in writing on May 16 and June 25, 2007, and elected to have his case determined on a written record in lieu of a hearing. Department Counsel (DC) submitted the Government's written case (FORM) on or about July 14, 2007. Applicant did not file a response to the FORM. The case was assigned to me on December 5, 2007.

### **FINDINGS OF FACT**

Applicant is a 36 year old employee of a defense contractor.

**SOR Allegation 1a:** Applicant is indebted to this creditor (RPI) in the approximate amount of \$7,941.00. The debt was placed for collection over ten years ago.

**SOR Allegation 1b:** Applicant has a second delinquent debt with RPI. This debt, in the approximate amount of \$2,584.00, was also placed for collection over ten years ago.

**SOR Allegation 1c:** Applicant is indebted to MCI in the approximate amount of \$1,284.00. This debt was placed for collection over five years ago.

**SOR Allegation 1d:** Applicant is indebted to Midland Credit in the approximate amount of \$2,285.00 as a result of a judgment entered against him in 2001.

**SOR Allegation 1e:** Applicant is indebted to AAC in the approximate amount of \$3,769.00. This debt was placed for collection in 2004.

**SOR Allegation 1f:** Applicant is indebted to Natnl Cred in the approximate amount of \$2,547.00 for an account placed for collection in 2004.

There is no evidence applicant has made any payments to any of these creditors since the debts went delinquent.

### **CONCLUSIONS**

\_\_\_\_\_ The evidence establishes that applicant has six debts, totaling approximately \$20,000.00, that have been past-due for many years. Applicant's failure to honor his financial obligations reflects adversely on his judgment and reliability, and suggests he cannot be relied upon to safeguard classified information. Disqualifying Conditions 19a. (*inability or unwillingness to satisfy debts*) and 19c. (*a history of not meeting financial obligations*) are applicable.

Once the Government established a *prima facie* case under Guideline F, the burden shifted to applicant to produce evidence in mitigation, extenuation, or reformation sufficient to overcome the security concerns raised by his financial irresponsibility. Applicant failed to meet his burden. He failed to offer any credible evidence that he (1) has taken any action to address any of his past-due debts, (2) is in a position to significantly reduce this past-due indebtedness anytime soon, or (3) is unlikely to experience additional financial difficulties. He does not qualify for any Mitigating Conditions. Based on the foregoing, and after consideration of the “whole person” factors set forth in Enclosure 2 of the Directive, Guideline F is found against applicant.

## **FORMAL FINDINGS**

### **PARAGRAPH 1: AGAINST THE APPLICANT**

## **DECISION**

In light of all the circumstances presented by the record in this case, it is not clearly consistent with the national interest to grant or continue a security clearance for applicant.

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Joseph Testan  
Administrative Judge