



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



In the matter of:)
)
-----) ISCR Case No. 08-05609
SSN: -----)
)
Applicant for Security Clearance)

Appearances

For Government: James B. Norman, Esquire, Chief Department Counsel
For Applicant: *Pro se*

January 23, 2009

Decision

MATCHINSKI, Elizabeth M., Administrative Judge:

Applicant submitted an Electronic Questionnaire for Investigations Processing (e-QIP) on November 29, 2007. On July 24, 2008, the Defense Office of Hearings and Appeals (DOHA) issued a Statement of Reasons (SOR) to Applicant detailing the security concerns under Guideline F that provided the basis for its decision to deny him a security clearance and refer the matter to an administrative judge. The action was taken under Executive Order 10865, *Safeguarding Classified Information within Industry* (February 20, 1960), as amended; Department of Defense Directive 5220.6, *Defense Industrial Personnel Security Clearance Review Program* (January 2, 1992), as amended (Directive); and the revised adjudicative guidelines (AG) promulgated by the President on December 29, 2005, and effective within the Department of Defense as of September 1, 2006.

Applicant acknowledged receipt of the SOR on August 18, 2008. He answered the SOR allegations in writing on September 3, 2008, and requested a hearing. The case was assigned to me on September 23, 2008, to conduct a hearing and to determine whether it is clearly consistent with the national interest to grant or continue a

security clearance for Applicant. On October 14, 2008, I scheduled a hearing for November 19, 2008.

The parties appeared as scheduled. Four government exhibits (Ex. 1-4) and nine Applicant exhibits (Ex. A-I) were admitted and Applicant testified, as reflected in a transcript received on November 28, 2008. The record was held open until December 5, 2008, for Applicant to submit additional documentation. On December 1, 2008, Applicant informed Department Counsel in an email message of a contact with the creditor alleged in SOR ¶ 1.m. Department Counsel did not object to including the information in the evidentiary record. Accordingly, a printout of the email correspondence from Applicant was marked and admitted as exhibit J. Based upon a review of the SOR, Answer, transcript, and documentary exhibits, including Ex. J, eligibility for access to classified information is granted.

Findings of Fact

DOHA alleged under Guideline F, financial considerations, that Applicant owes delinquent debt totaling \$32,547 (SOR ¶¶ 1.a through 1.m). Applicant denied the debts alleged in SOR ¶¶ 1.b, 1.d, and 1.i, but admitted the other debts. After considering the evidence of record, I make the following findings of fact.

Applicant is a 41-year-old senior systems support technician, who has worked for his current employer, a defense contractor, since November 2007 (Ex. 1). After completing one year of college, he served on active duty in the U.S. Navy from November 1986 to December 1989, when he was medically discharged (Tr. 36). He held a secret security clearance for his duties as an electronic warfare technician (Ex. 1, Tr. 21-22, 27).¹ Applicant was married to his first wife from 1987 to 1990, and they had a daughter (Tr. 38). On their divorce, he was ordered to pay child support of \$484 per month. It gradually increased over time to \$1,200 monthly as of October 2006 (Tr. 90-91).

Following his discharge from the Navy, he worked for a little over one year as a computer engineer for a commercial company. In October 1992, he married his second wife. They had two children, a son born in July 1994 and a daughter born in August 1996 (Ex. 1).

Sometime in 1992, Applicant started an Internet service company with his second wife (Tr. 23-24). He worked for a succession of several technology companies while devoting himself part-time to his Internet business until 1998 when it ceased operations (Tr. 24-25). The Internet business earned enough to cover its obligations ("It broke even." (Tr. 24).

¹Applicant testified that his secret clearance was suspended for about 30 days by his command for being late in setting up an allotment for funds to be sent to his spouse, from whom he was separated at the time (Tr. 27). There is no indication on his e-QIP that he was married while in the Navy.

From February 1998 to February 2000, Applicant served on active duty in the National Guard. In June 2000, he began working as a senior Unix engineer for a commercial technology company at an annual salary of about \$94,000 (Tr. 29). He and his second wife divorced in October 2001 (Ex. 1), and Applicant started paying child support for his two younger children as well, at \$1,200 monthly (Tr. 39-40).

Applicant reenlisted in the Army National Guard in February 2002. In about June 2002, Applicant notified his employer that his Guard unit was being activated, and he was laid off (Tr. 29). In July 2002, Applicant reported for active duty (Ex. G). He began to fall behind on several financial accounts as his pay was about \$50,000 annually (Tr. 86), half of what he had earned for the computer company (Tr. 29). He focused on paying his child support obligation of \$2,000 monthly (\$800 for his elder daughter and \$1,200 total for his two children from his second marriage, Tr. 39-40, 85, 92).

Applicant was deployed to Iraq as a communications technician for a military police battalion from about April 1, 2003, to July 22, 2003 (Ex. 1, Ex. A, Ex. G, Tr. 31). He held an interim secret clearance (Tr. 32). He was solely responsible for building and maintaining the local area network (secure and non secure) and was designated as the communication security custodian in the absence of his team leader (Ex. I). Applicant was awarded a certificate of appreciation from a personnel services battalion for his performance from January 27, 2003, to March 18, 2003, in preparation for deployment. He was awarded an Army Commendation Medal for his courage and exceptional performance while under fire on June 8, 2003. After three months in Iraq, he was removed from the combat arena due to an injury to his shoulder (Tr. 35). In July 2003, he was awarded a second Army Commendation Medal for exceptionally meritorious service from April 1, 2003, to July 22, 2003 (Ex. A). He finished out his enlistment term by performing recruiting duties (Tr. 36).

Following his discharge from active duty in October 2003 (Ex. G), Applicant was unemployed for a few months. He did some contract work but otherwise supported himself on unemployment compensation of about \$412 a week (Tr. 42, 86). Applicant resided with his parents until June 2004, when he moved into an apartment (Ex. 1). He did not have the funds to make payments on his old debts, including several credit card accounts, a vehicle loan, and two loans on which he had cosigned for a now former girlfriend (Tr. 43-44). He also owed federal income taxes for 2001 because he forgot to file his return (Tr. 45).²

In April 2004, he began working as a senior Unix engineer for an aerospace company, earning about \$56,000 annually (Ex. 1, Tr. 30, 87). He held an interim clearance for the nine months of his employment with the company and accessed classified information during that time (Tr. 31).

From February 2005 to April 2006, Applicant worked as a senior network engineer at a significant increase in salary to about \$90,000 a year (Tr. 88). He was an

²Applicant testified he forgot to file his return in 2002 because he was preparing for deployment (Tr. 45). The record evidence indicates he was not activated until July 2002, however.

efficient, goal-oriented employee who earned the respect and trust of his coworkers (Ex. 1). He left the job for a similar position with another company in April 2006, earning between \$92,000 and \$94,000 a year (Tr. 89), and was employed there until November 2007 when he started with his current employer at a salary of \$99,700 annually (Tr. 90). Due to his increase in salary, his child support obligation increased to \$2,400 per month (\$1,200 for his elder daughter and \$1,200 for his younger children) in October 2006 (Tr. 91).

Needing a security clearance for his duties with the defense contractor, Applicant executed an e-QIP on November 29, 2007, on which he responded affirmatively to whether he had been over 180 days delinquent on any debts in the preceding seven years, and whether he was currently over 90 days delinquent on any debts. He listed a \$200 medical debt from about July 2006 that he claimed he satisfied in about November 2007, a \$680 unpaid utility services debt from November 2005 that he was disputing on the basis that the service should have been cut off when he moved, a \$4,800 personal loan from August 2004 that he failed to pay due to his military activation and unemployment on his return, and \$616 cellular telephone and \$1,912 credit card debts from about November 2002 that he disputes. Applicant explained he had given priority to paying his child support, but was working to rectify past due balances (Ex. 1). Applicant was granted an interim secret clearance for his duties shortly thereafter (Tr. 90).

A check of Applicant's credit on December 19, 2007 (Ex. 4), revealed several accounts had been charged off and/or placed for collection. A detailed listing of the financial accounts is set forth in the following table.

Debt in SOR	Delinquency history	Payment status
¶ 1.a. Credit card debt in collection \$1,539	Account opened Aug 00, \$1,539 past due balance charged off and in collection as of Oct 05, last activity Mar 05 (Ex. 3, Ex. 4), Credit report indicates \$1,781 balance as of Jun. 08 (Ex. 3) ³	Paying \$25 per month (Ex. 2)
¶ 1.b. Storage facility debt \$310 in collection	\$310 installment debt from Feb 03 in collection as of Apr 03 (Ex. 4)	Contacted creditor Sep 08 (Ex. B), unresolved as of Nov 08

³Applicant submits he had only two accounts with the original creditor named in SOR ¶¶ 1.f, 1.g, 1.h, and 1.j (Tr. 56). Available credit reports show the account numbers are the same for the debts in SOR ¶¶ 1.a (Ex. 4) and 1.g (Ex. 3), so they are likely the same debt which the assignee is now reporting has a debt balance of \$1,741. Applicant presented evidence showing that the creditor in SOR ¶ 1.c was collecting on a credit card balance of \$1,520.80 (Ex. 2) on a debt originally owed the creditor named in SOR ¶ 1.h. SOR ¶¶ 1.c and 1.h are likely the same debt.

¶ 1.c. \$1,571 debt (allegedly medical) in collection	Credit card \$1,570 debt balance from Sep 01 placed for collection Sep 07 (Ex. 3, Ex. 4), balance \$1,520.80 as of May 08	Paying \$25 per month (Tr. 53, Ex. 2)
¶ 1.d. Installment loan in collection \$243	Joint account opened Apr 01, \$243 debt in collection as of Nov 07 (Ex. 3, Ex. 4)	Paid in full as of Sep 25, 08 (Ex. C)
¶ 1.e. Installment loan charge off \$5,254	\$8,500 installment loan opened Aug 01 for a former girlfriend (Tr. 55), \$5,254 charge off balance as of Mar 04, in collection as of Nov 07 (Ex. 3. Ex. 4)	Arranged to pay \$100 per month, first payment Sep 25, 08 (Ex. D) and current in his payments as of Nov 08 (Tr. 55)
¶ 1.f. Credit card debt in collection \$8,140	\$4,800 credit card balance sold Oct 02, no activity since Nov 01, balance \$5,991 as of Sep 05, with current assignee as of Sep 07, balance \$7,935 as of Nov 07 (Ex. 4), \$8,140.22 balance as of Jun. 08 (Ex. 2, Ex. 3)	As of Jun. 08, agreed to pay \$50 per month, first payment due Jul 7, 08 (Ex. 2, Tr. 57)
¶ 1.g. Credit card debt in collection \$1,741	Same debt as SOR ¶ 1.a	See SOR ¶ 1.a
¶ 1.h. Credit card debt in collection \$1,570	Same debt as SOR ¶ 1.c	See SOR ¶ 1.c
¶ 1.i. Credit card debt in collection \$1,918	Account opened Dec 00, \$1,918 past due balance for collection (Ex. 4), with current assignee Aug 02, \$1,931 balance as of Jun. 08 (Ex. 3)	Settled in full Oct 27, 08 (Ex. E)
¶ 1.j. Credit card debt in collection \$5,991	Same debt as SOR ¶ 1.f	See SOR ¶ 1.f
¶ 1.k. Collection debt \$1,931	Same debt as SOR ¶ 1.i	See SOR ¶ 1.i

¶ 1.i. Collection debt \$427	Terminated account early when his military unit was activated (Tr. 61), wireless phone debt of \$427 for collection Jan 06 (Ex. 4, Ex. F)	Settled as of Oct 6, 08 (Ex. F)
¶ 1.m. Credit card debt past due \$1,912	Debt from 2002 disputed on basis an employer was supposed to cover it (Ex. 1)	Checks with the named creditor post-hearing did not substantiate any outstanding balance owed (Ex. J)
\$20 medical debt in collection (not alleged)	Account opened Aug 06, co-pay debt unpaid as of Mar 07 (Ex. 4, Tr. 67)	Paid in full Feb 28, 08 (Ex. 2, Tr. 67)
\$208 medical debt in collection (not alleged)	Services rendered May 05 (Ex. 2), for collection Nov 05, unpaid as of Jan 06 (Ex. 4)	Paid in full Jun. 19, 08 (Ex. 2)
\$205 electric services debt in collection (not alleged)	Last activity Aug 05, for collection Nov 05, unpaid as of Dec 05 (Ex. 4)	Paid in full Jun. 16, 08 (Ex. 2)
\$607 past due telephone debt in collection	Opened Dec 04, \$607 balance in collection as of Jul 08, last activity Sep 02 (Ex. 3, Ex. 4)	Disputed, judgment claim dismissed against him Oct 19, 06 (Ex. 2, Tr. 68)
\$677 checking account overdraft in collection	Opened Dec 05, \$677 unpaid as of Dec 07 (Ex. 4)	Satisfied as of Jun. 16, 2008 (Ex. 2, Tr. 74)

In response to DOHA's request to update the status of his past due accounts, Applicant on June 20, 2008, provided documentation showing he had made repayment arrangements on the debts alleged in SOR ¶¶ 1.c (1.h same debt) and 1.f (1.j same debt), and had satisfied four debts not alleged. He submitted a personal financial statement indicating he had \$388 remaining after paying his monthly expenses and \$25 on the debts in SOR ¶¶ 1.c and 1.g and \$50 on SOR ¶ 1.f (Ex. 2). A check of Applicant's credit on July 22, 2008, confirmed no new delinquent accounts (Ex. 3).

Applicant has been on a payment plan for about a year to resolve delinquent federal income tax debts for tax years 2001 and 2003. He has paid off his debt for tax year 2001 and owes about \$1,235 for 2003 (Tr. 45-46).

Applicant has been current in his child support payments. In August 2008, his son moved in with him, so he is no longer obligated to pay child support to his second wife. He continues to pay \$1,200 in child support for his elder daughter (Tr. 39-40).

Applicant and his fiancée have resided together since at least November 2007 (Tr. 93). She shares custody of her eight-year-old son with her ex-husband, and her son splits his time with both parents so she receives no child support (Tr. 96-97). She contributes to the household expenses to the extent that she can on earnings of \$37,000 annually (Tr. 94-95). Applicant is current in his living expenses. He has no car payment as his 1998 model-year vehicle is paid for (Tr. 41). He has four low-limit (\$400 or less) credit cards that he is using to rebuild his credit (Tr. 79). As of July 2008, the aggregate balance of current charges totaled \$756 (Ex. 3). He intends to make payments on his delinquent debts until they are satisfied (Tr. 81), which he anticipates will be in a year or so from November 2008 (Tr. 85, 95).

Applicant has been a very productive worker for the defense contractor. He is considered a valued employee by coworkers and his supervisor for his skill and maturity. As a senior staff member, he has been tasked with supporting unclassified environments in addition to assisting with the support of classified systems, and has performed all his tasks in an “exemplary fashion.” Applicant has shown himself to be extremely conscientious in matters of security (Ex. I).

Policies

When evaluating an applicant’s suitability for a security clearance, the administrative judge must consider the revised adjudicative guidelines (AG). In addition to brief introductory explanations for each guideline, the adjudicative guidelines list potentially disqualifying conditions and mitigating conditions, which are useful in evaluating an applicant’s eligibility for access to classified information. 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 overarching adjudicative goal is a fair, impartial and common sense 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 making a decision.

The protection of the national security is the paramount consideration. AG ¶ 2(b) requires that “[a]ny doubt concerning personnel being considered for access to classified information will be resolved in favor of national security.” In reaching this decision, I have drawn only those conclusions that are reasonable, logical and based on the evidence contained in the record. Likewise, I have avoided drawing inferences grounded on mere speculation or conjecture. 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 as to obtaining a favorable security decision.

A person who seeks access to classified information enters into a fiduciary relationship with the government predicated upon trust and confidence. This relationship transcends normal duty hours and endures throughout off-duty hours. The government reposes a high degree of trust and confidence in individuals to whom it grants access to classified information. Decisions include, by necessity, consideration of the possible risk that the Applicant may deliberately or inadvertently fail to protect or safeguard classified information. Such decisions entail a certain degree of legally permissible extrapolation as to potential, rather than actual, risk of compromise of classified information. Section 7 of Executive Order 10865 provides that decisions shall be “in terms of the national interest and shall in no sense be a determination as to the loyalty of the applicant concerned.” See *also* EO 12968, Section 3.1(b) (listing multiple prerequisites for access to classified or sensitive information).

Analysis

Guideline F, Financial Considerations

The security concern for financial considerations is set out in AG ¶ 18 of the adjudicative guidelines:

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.

As of his November 2007 e-QIP, Applicant owed about \$20,000 in delinquent debt, including a \$5,254 charge off balance from 2004 on a loan taken out for a girlfriend (SOR ¶ 1.e), and \$7,935 on a credit card account with last activity in November 2001 (SOR ¶¶ 1.f and 1.j, same debt). Several of the delinquent accounts are from when he was on active duty with the Army. However, the aforementioned credit card debt predates his activation. Moreover, he incurred a \$208 medical debt, \$205 in utility costs, and \$677 on a checking overdraft account since 2005 that were not alleged but indicate more recent financial irresponsibility. Significant security concerns are raised by “inability or unwillingness to satisfy debts” (AG ¶ 19(a)) and by “a history of not meeting financial obligations” (AG ¶ 19(c)).

Applicant attributes his delinquent debt to the loss of income associated with his military activation and to his subsequent unemployment following his discharge from active duty. He testified credibly that he was laid off from his job in about June 2002, and that he earned about half of his former salary while on active duty. After his discharge in October 2003, he collected about \$412 per week in unemployment compensation, which was less than his child support obligation of \$2,000 per month. AG

¶ 20(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,” applies to the incurring of delinquencies between 2002 and 2004.

However, neither AG ¶ 20(b) nor AG ¶ 20(a), “the behavior happened so long ago, was so infrequent, or occurred under such circumstances that it is unlikely to recur and does not cast doubt on the individual’s current reliability, trustworthiness, or good judgment,” can be fully applied in mitigation. Applicant has been gainfully employed since February 2005 at an annual salary of at least \$90,000. Even with a rather sizeable child support obligation, which increased from \$2,000 to \$2,400 per month as of October 2006, Applicant’s income should have been sufficient to cover a minor \$208 medical bill incurred in 2005, and to avoid checking overdraft charges of \$677. Apparently, he has had to make payments for the past year on delinquent federal taxes for 2001 and 2003. But the impact of those payments on his finances is unclear. Applicant has not adequately demonstrated that these newer delinquencies were due to factors outside of his control, or that he took timely steps to address his older past due balances. Applicant’s disclosure of some debts on his e-QIP reflects favorably on his candor and trustworthiness, but it also indicates some knowledge of outstanding balances. Apart from pursuing a dismissal of the claim for the wireless phone debt (not alleged), he made little effort to resolve his debts until 2008.

Since he applied for his security clearance, however, Applicant has satisfied or settled those debts in SOR ¶¶ 1.d, 1.i (duplicated in ¶ 1.k), and ¶ 1.l, and about \$1,110 in other debt (medical, utility, checking overdraft) that was not alleged. He also arranged to make monthly payments on the debts in SOR ¶¶ 1.a (duplicated in ¶ 1.g), ¶ 1.c (duplicated in ¶ 1.h), ¶ 1.e, and ¶ 1.f (duplicated in ¶ 1.j) on terms accepted by his creditors. As reflected in his response to interrogatories, Applicant claimed at that time to be making monthly payments of \$25 each on the debts in SOR ¶¶ 1.a and 1.c, and \$50 on SOR ¶ 1.f. Available records show his first \$50 payment on SOR ¶ 1.f was made sometime after June 10, 2008. The creditor collecting the debt in SOR ¶ 1.c notified Applicant on May 27, 2008, that his promised payment of \$25 was due on or before June 11, 2008. There is no indication that he made a payment on the debt in SOR ¶ 1.e before his \$100 payment on September 25, 2008. Applicant did not submit documentation proving he has continued to make the monthly payments promised to the creditors in SOR ¶¶ 1.a, 1.c, 1.e, and 1.f, but documentation showing satisfaction of other debts, including SOR ¶¶ 1.d, 1.i, and 1.l, lead me to accept his claims of ongoing repayment. Albeit recent, his efforts to resolve his indebtedness implicate AG ¶ 20(d), “the individual initiated a good-faith effort to repay overdue creditors or otherwise resolve debts.”

As of the close of the record in early December 2008, Applicant had successfully disputed any responsibility for the \$607 wireless phone debt that was listed on his December 2007 credit report. A claim for judgment filed by the assignee was dismissed by the court in October 2006. The debt in SOR ¶ 1.m was also not substantiated and he is still in the process of determining whether he owes the debt in SOR ¶ 1.b. 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,” applies.

Whole-Person Concept

Under the whole-person concept, the administrative judge must evaluate an applicant’s eligibility for a security clearance by considering the totality of the conduct and all the circumstances in light of the nine adjudicative process factors listed at AG ¶ 2(a):

- (1) the nature, extent, and seriousness of the conduct;
- (2) the circumstances surrounding the conduct, to include knowledgeable participation;
- (3) the frequency and recency of the conduct;
- (4) the individual’s age and maturity at the time of the conduct;
- (5) the extent to which participation is voluntary;
- (6) the presence or absence of rehabilitation and other permanent behavioral changes;
- (7) the motivation for the conduct;
- (8) the potential for pressure, coercion, exploitation, or duress; and
- (9) the likelihood of continuation or recurrence.

Under AG ¶ 2(c), the ultimate determination of whether to grant eligibility for a security clearance must be an overall commonsense judgment based upon careful consideration of the guidelines and the whole-person concept.

The DOHA Appeal Board has addressed a key element in the whole person analysis in financial cases stating:

In evaluating Guideline F cases, the Board has previously noted that the concept of “‘meaningful track record’ necessarily includes evidence of actual debt reduction through payment of debts.” However, an applicant is not required, as a matter of law, to establish that he has paid off each and every debt listed in the SOR. All that is required is that an applicant demonstrate that he has ‘ . . . established a plan to resolve his financial problems and taken significant actions to implement that plan.’ The Judge can reasonably consider the entirety of an applicant’s financial situation and his actions in evaluating the extent to which that applicant’s plan for the reduction of his outstanding indebtedness is credible and realistic. See Directive ¶ E2.2(a) (‘Available, reliable information about the person, past and present, favorable and unfavorable, should be considered in reaching a determination.’) There is no requirement that a plan provide for payments on all outstanding debts simultaneously. Rather, a reasonable plan (and concomitant conduct) may provide for the payment of such debts one at a time. Likewise, there is no requirement that the first debts actually paid in furtherance of a reasonable debt plan be the ones listed in the SOR.

ISCR Case No. 07-06482 at 2-3 (App. Bd. May 21, 2008) (internal citations omitted). Although Applicant's finances were negatively affected by his military activation and deployment to Iraq, he exhibited financial irresponsibility in failing to timely address his knowingly delinquent accounts once he secured employment paying him about \$90,000 annually. At the same time, he made sure that his child support and car payments were up to date and he remained current in newer credit cards with low credit limits. Assuming he is making his monthly payments to his remaining four creditors (SOR ¶¶ 1.a/1.g, 1.c/1.h, 1.e, and 1.f/1.j), he still owes about \$15,000 in delinquent debt, not including the \$1,235 in federal income taxes for tax year 2003. Applicant anticipates that he will be able to pay off his delinquent debt in about one year.

As evidenced by his military service and dedication to his work, Applicant has exhibited good character and trustworthiness. His display of courage "above the call of duty" and loyalty to his fellow soldiers in a combat environment weighs considerably in his favor in determining whether he can be trusted to fulfill his fiduciary obligations.⁴ Given the efforts he has already made to satisfy his tax debt and consumer credit delinquencies, he is likely to continue to make his payments to his creditors. He has already shown an ability to adhere to security practices and procedures. On balance, I conclude it is clearly consistent with the national interest to grant or continue a security clearance for him.

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:	For Applicant
Subparagraph 1.b:	For Applicant
Subparagraph 1.c:	For Applicant
Subparagraph 1.d:	For Applicant
Subparagraph 1.e:	For Applicant
Subparagraph 1.f:	For Applicant
Subparagraph 1.g:	For Applicant (Duplication of ¶ 1.a)
Subparagraph 1.h:	For Applicant (Duplication of ¶ 1.c)
Subparagraph 1.i:	For Applicant
Subparagraph 1.j:	For Applicant (Duplication of ¶ 1.f)
Subparagraph 1.k:	For Applicant (Duplication of ¶ 1.i)
Subparagraph 1.l:	For Applicant
Subparagraph 1.m:	For Applicant

⁴Actions in defense of the U.S., especially in a hostile environment or dangerous conditions, are an important consideration in assessing an applicant's security suitability. See ISCR Case No. 07-00034 at 2-3 (App. Bd. Feb. 5, 2008).

Conclusion

In light of the record in this case, it is clearly consistent with the national interest to grant Applicant eligibility for a security clearance. Eligibility for access to classified information is granted.

ELIZABETH M. MATCHINSKI
Administrative Judge