



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



In the matter of:)	
)	
)	ADP Case No. 08-09024
)	
Applicant for Public Trust Position)	

Appearances

For Government: Fahryn Hoffman, Esquire, Department Counsel
For Applicant: *Pro se*

November 16, 2011

Decision

HENRY, Mary E., Administrative Judge:

Based upon a review of the pleadings, exhibits, and testimony, I conclude that Applicant's eligibility for access to sensitive information is denied.

Applicant submitted her Questionnaire for Public Trust Position (SF 85P) on February 26, 2008. The Defense Office of Hearings and Appeals (DOHA) issued Applicant a Statement of Reasons (SOR) detailing the trustworthiness concerns under Guideline F (Financial Considerations) and Guideline E (Personal Conduct) on March 1, 2011. The action was taken under Department of Defense Directive 5220.6, *Defense Industrial Personnel Security Clearance Review Program* (January 2, 1992), as amended (Directive); Department of Defense Regulation 5200.2-R, *Personnel Security Program*, dated January 1987, as amended (Regulation); and the *Adjudicative Guidelines For Determining Eligibility for Access to Classified Information* (AG) implemented on September 1, 2006.

Applicant acknowledged receipt of the SOR on March 7, 2011. She answered the SOR in writing on May 10, 2011 and requested a hearing before an administrative judge. DOHA received the request, and Department Counsel was prepared to proceed on June 6, 2011. I received the case assignment on June 20, 2011. DOHA issued a

notice of hearing on July 8, 2011, and I convened the hearing as scheduled on July 27, 2011. The Government offered Exhibits (GE) 1 through 11, which were received and admitted without objection. Applicant testified and submitted Exhibits (AE) A through F, which were admitted without objection. DOHA received the transcript of the hearing (Tr.) on August 11, 2011. I held the record open until August 26, 2011, for the submission of additional matters. Applicant timely submitted AE G through AE R, which were admitted without objection. The record closed on August 26, 2011.

Procedural Ruling

Motion to Amend SOR

Department Counsel moved to amend the SOR to correct the account number in SOR allegation 1.i. Applicant did not object. Department Counsel's motion was granted, and the SOR is amended to reflect the correct account number. (Tr. at 9.)

Findings of Fact

In her Answer to the SOR, Applicant admitted the factual allegations in ¶¶ 1.a, 1.e, 1.u-1.y, 1.ee, 1.hh, 1.jj, 1.kk, 2.a, 2.c-2.e, and 2.g-2.q of the SOR. She denied the factual allegations in ¶¶ 1.b-1.d, 1.f-1.t, 1.z-1.dd, 1.ff, 1.ii, 1.ll-1.nn, 2.b, 2.f, 2.r, and 2.s of the SOR. She also provided some additional information to support her request for eligibility for a public trust position.

Applicant, who is 32 years old, works as a beneficiary support representative for a Department of Defense contractor. She began working for her employer in February 2008. Her employer promoted her to her current position in July 2011. She received generally acceptable performance evaluations.¹

Applicant graduated from high school and is applying to college with a goal of attaining an associate of arts degree. She is engaged and plans to marry in the fall. She has two children: a daughter, age 12 and a son, age 2. Both children live with her. She does not receive child support for her daughter, but she has obtained the paperwork to file for child support from her daughter's father. She plans to file this request when she has accumulated sufficient leave to request a day from work.²

During her investigative interview, Applicant advised the security investigator that she had experienced difficulties with her federal taxes beginning in 2006. Both she and her daughter's father claimed a tax deduction for her daughter. Even though her daughter lives with her, the Internal Revenue Service (IRS) gave the deduction to her daughter's father because Applicant did not have receipts showing her daughter lives with her. Because of this decision, she owed taxes. Since this time, she placed her daughter's name on the rental agreement, which is sufficient proof to the IRS that her

¹GE 1; AE D; AE F; AE K; AE L; Tr. 74.

²GE 1; AE P; Tr. 24-25, 52-53.

daughter lives with her. An order of child support will help with this IRS issue in the future as she must show the IRS each year that she is the primary care giver for her daughter. The IRS took her refunds for several years, and her debt is paid. She provided documentation showing her taxes as computed by a professional.³

Around 2000, Applicant purchased a car and insured it. She later ceased her insurance premium payments as she lacked sufficient income. The lack of insurance resulted in an inability to register her car. She continued to drive the car without the insurance and registration. In October 2001, the police stopped her and charged her with speeding and no registration. A month later, the police charged her with no current registration and no proof of insurance, which resulted in a \$443 fine. The police arrested her twice in 2002 on similar charges, and the court fined her. She lacked income to pay her fines, which caused her driver's license to be suspended. Between March 2003 and April 2006, the police arrested her numerous times for driving on a suspended driver's license, speeding, no proof of insurance, no registration card, child restraint violation, failure to appear, and violation of a promise to appear. Each arrest resulted in more fines and an occasional overnight in jail. She spent one week in jail after an arrest in 2006 on a failure to appear warrant. She decided to stop driving after her October 2007 citation because she did not want to return to jail. However, she was again arrested in 2009 for driving on a suspended driver's license and failure to appear. During these years, several bench warrants were issued for her arrest because she did not appear in court on her traffic citations. Over the years, she paid some court fees and fines, but lacked sufficient income to pay all her fines and court costs. She currently owes approximately \$10,000 on her fines and fees, due, in part, to interest charges on her unpaid fines.⁴

The SOR identified 40 purportedly continuing delinquencies as reflected by credit reports from 2008, 2009, and 2011, totaling approximately \$54,000. Some accounts have been transferred, reassigned, or sold to other creditors or collection agents. Other accounts are referenced repeatedly in both credit reports, in many instances duplicating other accounts listed, either under the same creditor or collection agency name or under a different creditor or collection agency name. Some accounts are identified by complete account numbers, while others are identified by partial account numbers, in some instances eliminating the last four digits and in others eliminating other digits.

The SOR identifies nine medical debts (1.c - 1.f, 1.i-1.k, and 1.dd), but does not name the creditor in eight of these bills. Applicant denied owing eight of these bills and admitted owing the \$561 medical bill in allegation 1.e. Applicant believes her insurance paid these bills, but she did not provide proof that these debts are resolved.⁵

³GE 2; AE B; Tr. 26-27, 29-31, 56-58.

⁴GE 2 - GE 5; GE 7; GE 8; AE C; Tr. 33-37, 44-47, 68-73.

⁵Response to the SOR; GE 9 - GE 11.

The SOR lists seven debts (1.o-1.r, 1.ff, 1.kk, and 1.ll) owed to three city governments. Applicant believes the debts in SOR allegations 1.o-1.r are the same as the debt listed in allegation 1.ll. She may be right, but she has not provided current documentation from the cities, which shows what she owes and what she has paid. She made some payments on these debts in the past, but admits that she owes about \$10,000 to one city for motor vehicles fines, related court costs, and interest on her unpaid debts.⁶

The SOR identifies five judgments (1.s - 1.w, and 1.nn). Four of the judgments relate to rental apartments also listed in SOR paragraphs 1.y - 1.cc, and appear to be duplicates. Applicant verified that she paid the \$3,109 judgment in allegation 1.nn in full in 2010 through a garnishment of her pay. The remaining debts are only listed on the March 5, 2008 credit report. Applicant has not provided any information verifying that these debts are paid or that the debts were removed from her credit report because the debts are not hers. There is no evidence that the remaining judgments or debts have been resolved. The debts and judgments listed in SOR ¶¶ 1.s to 1.jj are only listed on the March 5, 2008 credit report. The debts listed in SOR ¶¶ 1.o to 1.r are not listed on the January 3, 2011 credit report. Because of the age of many of these debts and judgments, they may have dropped off her credit report. Except for the judgments, these debts are barred from collection under the State Statute of Limitations. Judgments in her state must be renewed every five years to be enforceable.⁷

Applicant has two unpaid telephone debts listed in the SOR. The \$361 debt in allegation 1.ii is the same as the \$361 debt in allegation 1.a and the debt in 1.b. Applicant stated that she paid the debts in allegation 1.h (\$41) and 1.jj (\$145), but has not provided adequate verification of her payment. The remaining debts listed in the SOR are not paid.⁸

Applicant attributes her financial problems to bad judgment because she was immature and a single mother and to sporadic employment and low paying jobs, leaving her with insufficient income to cover her expenses over a substantial period of time. Her current position has helped her to stabilize her finances, but her current income is insufficient to pay her old debts. Her fiancé lives with her. He recently began working after nine months of unemployment during which time he provided child care.⁹

With her promotion in July 2011, she earns \$14.92 an hour. Her leave and earnings statement reflect her current gross biweekly income as \$1,193 and her net biweekly income as \$994, for a total net monthly income of \$1,988. Her monthly expenses include \$875 for rent, \$60 for a cell phone, \$200 for daycare, \$250 for food, \$100 for utilities, \$40 for transportation, and \$200 miscellaneous. Her fiancé earns \$12

⁶GE 3; GE 4; GE 9 - GE 11; AE C; Tr. 33-37, 68-73.

⁷GE 9 - GE 11; AE I; Tr. 35.

⁸GE 2, p. 34; GE 9 - GE 11; AE J; AE N.

⁹GE 2; Tr. 28, 52, 62.

an hour, but his actual monthly income and his contribution to household expenses are unknown.¹⁰

Applicant paid \$260 to a credit counseling company to help resolve her debts, but the company provided no assistance to her. She met with a bankruptcy attorney in July 2011. She decided to retain the attorney with a goal of filing for Chapter 7. She pays the attorney \$200 a month, and when she pays the \$1,700 requested payment, the attorney will begin the process to file her bankruptcy petition. She understands that her debt to the city for parking fines, court fees, and interest will not be discharged in bankruptcy. She plan to use her future tax refunds to pay these debts.¹¹

When she completed her SF 85P, Applicant answered “yes” to question 16, which asked: “In the last 7 years, have you been arrested for, charged with, or convicted of any offense(s)? (leave out traffic fines of less than \$150).” Applicant listed one arrest in 2002, but not her other arrests. She denies intentionally falsifying her answer, stating that she misunderstood the question. She thought that if she listed one arrest, the court records would provide the information on her other arrests.¹²

Applicant answered “no” to question 20 on her SF 85P, which asked if she was now over 180 days delinquent on any loan or financial obligation. She did not have any loans and misunderstood the extent of information sought by the question. She denies intentionally falsifying her answers. When she met with the security clearance investigator in 2008, she agreed that her answer to this question should have been “yes” after the investigator explained the scope of the question.¹³

Policies

Positions designated as ADP I and ADP II are classified as “sensitive positions.” (See Regulation ¶¶ C3.1.2.1.1.7 and C3.1.2.1.2.3.) “The standard that must be met for . . . assignment to sensitive duties is that, based on all available information, the person’s loyalty, reliability, and trustworthiness are such that . . . assigning the person to sensitive duties is clearly consistent with the interests of national security.” (See Regulation ¶ C6.1.1.1.) The Deputy Under Secretary of Defense (Counterintelligence and Security) Memorandum, dated November 19, 2004, indicates trustworthiness adjudications will apply to cases forwarded to DOHA by the Defense Security Service and Office of Personnel Management. Department of Defense contractor personnel are afforded the right to the procedures contained in the Directive before any final unfavorable access determination may be made. (See Regulation ¶ C8.2.1.)

¹⁰GE 2; AE O; AE Q; Tr. 62-63.

¹¹AE A; AE G; AE M; AE R; Tr. 32, 38, 39, 64-67, 99, 100.

¹²GE 2, p. 55, Tr. 48-49.

¹³GE 2, p. 55; Tr. 49-50.

When evaluating an applicant's suitability for a public trust position, the administrative judge must consider the disqualifying and mitigating conditions in the AG. These guidelines are not inflexible rules of law. Instead, recognizing the complexities of human behavior, these guidelines are applied in conjunction with the factors listed in the adjudicative process. The administrative judge's over-arching adjudicative goal is a fair, impartial, and commonsense decision. According to AG ¶ 2(c), the entire process is a conscientious scrutiny of a number of variables known as the "whole-person concept." The administrative judge must consider all available, reliable information about the person, past and present, favorable and unfavorable, in 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 [sensitive] 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 to obtain a favorable trustworthiness decision.

A person who seeks access to sensitive information enters into a fiduciary relationship with the Government predicated upon trust and confidence. This relationship transcends normal duty hours and endures throughout off-duty hours. The Government reposes a high degree of trust and confidence in individuals to whom it grants access to sensitive information. Decisions include, by necessity, consideration of the possible risk the applicant may deliberately or inadvertently fail to protect or safeguard sensitive information. Such decisions entail a certain degree of legally permissible extrapolation as to potential, rather than actual, risk of compromise of sensitive information.

Section 7 of Executive Order (EO) 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 trustworthiness concern relating to the guideline for Financial Considerations is set out in AG ¶ 18:

Failure or inability to live within one's means, satisfy debts, and meet financial obligations may indicate poor self-control, lack of judgment, or unwillingness to abide by rules and regulations, all of which can raise questions about an individual's reliability, trustworthiness and ability to protect [sensitive] information. An individual who is financially overextended is at risk of having to engage in illegal acts to generate funds.

The guideline notes several conditions that could raise trustworthiness concerns. Under AG ¶ 19(a), an "inability or unwillingness to satisfy debts" is potentially disqualifying. Similarly under AG ¶ 19(c), "a history of not meeting financial obligations" may raise security concerns. Applicant accumulated delinquent debt between 2000 and 2010. She has been unable to pay her past-due debts for a significant period of time. The evidence is sufficient to raise these potentially disqualifying conditions, requiring a closer examination.

The guideline also includes examples of conditions that could mitigate trustworthiness concerns arising from financial difficulties. Under AG ¶ 20(a), the disqualifying condition may be mitigated where "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." Applicant's financial problems have been ongoing for ten years and continue to be a problem. Because her debts are recent, frequent, and not the result of unusual circumstances, this mitigating condition is not applicable.

Under AG ¶ 20(b), it may be mitigating where "the conditions that resulted in the financial problem were largely beyond the person's control (e.g., loss of employment, a business downturn, unexpected medical emergency, or a death, divorce or separation), and the individual acted responsibly under the circumstances." Applicant's financial problems arose for many reasons, including low income and unemployment. Applicant lacks and has lacked sufficient income to pay her current expenses and her past-due debts. I find this potentially mitigating condition is partially applicable.

Evidence that "the person has received or is receiving counseling for the problem and/or there are clear indications that the problem is being resolved or is under control" is potentially mitigating under AG ¶ 20(c). Applicant paid the judgment listed in SOR allegation 1.nn and this allegation is found in favor of Applicant under this mitigating condition. Applicant sought help from a credit counseling company without success. However, her financial problems are not yet resolved. This mitigating condition is partially applicable.

Similarly, AG ¶ 20(d) applies where the evidence shows "the individual initiated a good-faith effort to repay overdue creditors or otherwise resolve debts." Applicant continually makes a good faith effort to work with the IRS concerning the tax issues created by her daughter's father. Her efforts have led to the resolution of any debt she may owe the IRS. This mitigating condition applies to SOR allegation 1.mm.

The mitigating conditions AG ¶¶ 20(e) and 20(f) two are not applicable in this case.

Guideline E, Personal Conduct

AG ¶ 15 expresses the security concern pertaining to personal conduct:

Conduct involving questionable judgment, lack of candor, dishonesty, or unwillingness to comply with rules and regulations can raise questions about an individual's reliability, trustworthiness and ability to protect classified information. Of special interest is any failure to provide truthful and candid answers during the security clearance process or any other failure to cooperate with the security clearance process.

AG ¶ 16 describes conditions that could raise a security concern and may be disqualifying:

(a) deliberate omission, concealment, or falsification of relevant 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 award fiduciary responsibilities;

(b) deliberately providing false or misleading information concerning relevant facts to an employer, investigator, security official, competent medical authority, or other official government representative;

(c) credible adverse information in several adjudicative issue areas that is not sufficient for an adverse determination under any other single guideline, but which, when considered as a whole, supports a whole-person assessment of questionable judgment, untrustworthiness, unreliability, lack of candor, unwillingness to comply with rules and regulations, or other characteristics indicating that the person may not properly safeguard protected information;

(d) credible adverse information that is not explicitly covered under any other guideline and may not be sufficient by itself for an adverse determination, but which, when combined with all available information supports a whole-person assessment of questionable judgment, untrustworthiness, unreliability, lack of candor, unwillingness to comply with rules and regulations, or other characteristics indicating that the person may not properly safeguard protected information. This includes but is not limited to consideration of:

(1) untrustworthy or unreliable behavior to include breach of client confidentiality, release of proprietary information, unauthorized release of sensitive corporate or other government protected information:

(2) disruptive, violent, or other inappropriate behavior in the workplace;

(3) a pattern of dishonesty or rule violations; and,

(4) evidence of significant misuse of Government or other employer's time or resources.

(e) personal conduct, or concealment of information about one's conduct, that creates a vulnerability to exploitation, manipulation, or duress, such as (1) engaging in activities which, if known, may affect the person's personal, professional, or community standing, or (2) while in another country, engaging in any activity that is illegal in that country or that is legal in that country but illegal in the United States and may serve as a basis for exploitation or pressure by the foreign security or intelligence service or other group;

(f) violation of a written or recorded commitment made by the individual to the employer as a condition of employment; and,

(g) association with persons involved in criminal activity.

For AG ¶ 16(a) to apply, Applicant's omission must be deliberate. The Government established that Applicant omitted material facts from her February 2008 SF 85P, when she failed to list all her arrests for traffic violations and to acknowledge debts more than 180 days past-due. In her response to the SOR and at the hearing, she denied that she intentionally falsified her answers to these questions. When the allegation of falsification is controverted, the Government has the burden of proving it. Proof of an omission, standing alone, does not establish or prove an applicant's intent or state of mind when the omission occurred. An administrative judge must consider the record evidence as a whole to determine whether there is direct or circumstantial evidence concerning an applicant's intent or state of mind at the time the omission occurred.¹⁴

Applicant listed a 2002 arrest, but did not realize that she needed to list all her arrests. She believed that by listing one arrest, a check of the court records would reveal her remaining arrests. Her belief about the court records was correct, but an incorrect assumption for completing her SF 85P. While her assumption is incorrect, it does not equate to intentional falsification. SOR allegation 2.r is found in Applicant's favor.

Likewise, Applicant's misunderstanding of the information sought concerning her past debts does not equate to intentional falsification of her answer to question 20. She answered the question "no" because she focused on the term "loans", and she did not

¹⁴See ISCR Case No. 03-09483 at 4 (App. Bd. Nov. 17, 2004) (explaining holding in ISCR Case No. 02-23133 at 5 (App. Bd. Jun. 9, 2004)).

have any loans, although she knew she had debt. When she met with the investigator, she agreed that her answer should have been “yes” after the investigator explained the scope of the question.

Applicant’s multiple arrests for motor vehicle violations, such as no proof of insurance, no registration, speeding, and driving on a suspended license, show an inability to follow the rules of the road. She also failed to appear in court on many occasions, which also reflects her inability to comply with court orders. The Government has established its *prima facie* case under AG ¶ 16(d)(3).

AG ¶ 17 provides conditions that could mitigate security concerns:

(a) the individual made prompt, good-faith efforts to correct the omission, concealment, or falsification before being confronted with the facts;

(b) the refusal or failure to cooperate, omission, or concealment was caused or significantly contributed to by improper or inadequate advice of authorized personnel or legal counsel advising or instructing the individual specifically concerning the security clearance process. Upon being made aware of the requirement to cooperate or provide the information, the individual cooperated fully and truthfully.

(c) the offense is so minor, or so much time has passed, or the behavior is so infrequent, or it happened under such unique circumstances that it is unlikely to recur and does not cast doubt on the individual's reliability, trustworthiness, or good judgment;

(d) the individual has acknowledged the behavior and obtained counseling to change the behavior or taken other positive steps to alleviate the stressors, circumstances, or factors that caused untrustworthy, unreliable, or other inappropriate behavior, and such behavior is unlikely to recur;

(e) the individual has taken positive steps to reduce or eliminate vulnerability to exploitation, manipulation, or duress;

(f) the information was unsubstantiated or from a source of questionable reliability; and,

(g) association with persons involved in criminal activity has ceased or occurs under circumstances that do not cast doubt upon the individual's reliability, trustworthiness, judgment, or willingness to comply with rules and regulations.

I have reviewed all the evidence of record and have considered Applicant’s honest and forthright testimony about the events leading to her multiple arrests. She no longer drives, as she does not want to be arrested and placed in jail for any period of time. By not driving, she cannot violate the rules of the road. However, given her

multiple violations of the motor vehicle laws, her potential to do so once she regains her driver's license remains a concern as she has not taken a driver's refresher course to show that she fully understands her obligations as a driver on the roads of her state. She has not mitigated the security concerns raised by her rules violations.

Whole-Person Concept

Under the whole-person concept, the administrative judge must evaluate an applicant's eligibility for a public trust position by considering the totality of the applicant's conduct and all the circumstances. The administrative judge should consider 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) 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 public trust position must be an overall commonsense judgment based upon careful consideration of the guidelines and the whole-person concept. The decision to grant or deny a trustworthiness determination requires a careful weighing of all relevant factors, both favorable and unfavorable. In so doing, an administrative judge must review all the evidence of record, not a single item in isolation, to determine if a trustworthiness concern is established and then whether it is mitigated. A determination of an applicant's eligibility for a public trust position should not be made as punishment for specific past conduct, but on a reasonable and careful evaluation of all the evidence of record to decide if a nexus exists between established facts and a legitimate trustworthiness concern.

I considered the potentially disqualifying and mitigating conditions in light of all the facts and circumstances surrounding this case. Applicant's financial problems first began when she was a young woman, trying to support a child on a limited income. Her scarce resources led to poor financial decisions and unpaid debts. Her financial situation has improved, but she still has significant unresolved debts. She hired a bankruptcy attorney and will proceed to file bankruptcy once she pays the requested fees, hopefully by January 2012. Most of her debts are not yet resolved and will not be resolved until her bankruptcy case is completed next year.¹⁵ She fully acknowledges a significant debt to the city for her traffic violations, but she does not have a sustainable plan in place to

¹⁵Applicant intends to include all her past-due debts listed in her credit reports in her Chapter 7 filing. Recent credit reports do not list all the SOR debts that Applicant states she will resolve through bankruptcy. Applicant does have a copy of her credit reports from 2008 forward.

pay this debt. She is not even paying a small amount on her debt each month, which would show a good faith effort to resolve this debt.

Applicant needed transportation and decided to continue driving her vehicle when she did not have insurance and lacked proper registration for the vehicle. Additional traffic stops and citations, which led to a large debt, a suspended driver's license and arrests for failure to appear, did not stop her from driving her vehicle for many years. She finally decided to stop driving a car, as she does not want to go to jail again and does not want to incur more debt. This decision is praiseworthy and should have been made many years earlier.

Applicant is working hard to improve her finances and her life. She is making progress towards these goals. However, the record as it now stands is insufficient to eliminate all concerns about her past debts and past conduct.

Overall, the record evidence leaves me with questions or doubts as to Applicant's suitability for a public trust position. For all these reasons, I conclude Applicant has not mitigated the trustworthiness concerns arising from her finances and personal conduct.

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:	Against Applicant
Subparagraph 1.b:	For Applicant
Subparagraphs 1.c-1.hh:	Against Applicant
Subparagraph 1.ii:	For Applicant
Subparagraphs 1.ii-1.ll:	Against Applicant
Subparagraph 1.mm:	For Applicant
Subparagraph 1.nn:	For Applicant
Paragraph 2, Guideline E:	AGAINST APPLICANT
Subparagraphs 2.a-2.q:	Against Applicant
Subparagraph 2.r:	For Applicant
Subparagraph 2.s:	For Applicant

Conclusion

In light of all of the circumstances presented by the record in this case, it is not clearly consistent with national security to grant Applicant eligibility for a public trust position. Eligibility for access to sensitive information is denied.

MARY E. HENRY
Administrative Judge