



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



In the matter of:)	
)	
)	ISCR Case No. 08-12184
SSN:)	
)	
Applicant for Security Clearance)	

Appearances

For Government: Eric Borgstrom, Esquire, Department Counsel
For Applicant: Brian D. Ashton, Esquire

September 16, 2009

Decision

HENRY, Mary E., Administrative Judge:

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

Applicant submitted her Electronic Questionnaire for Investigations Processing (e-QIP) on August 4, 2008. The Defense Office of Hearings and Appeals (DOHA) issued a Statement of Reasons (SOR) detailing security concerns under Guideline F on July 14, 2009. 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 for SORs issued after September 1, 2006.

Applicant acknowledged receipt of the SOR. She answered the SOR in writing on July 24, 2009, and requested a hearing before an administrative judge. DOHA

received the request on July 27, 2009. Department Counsel was prepared to proceed on July 31, 2009, and I received the case assignment on August 5, 2009. DOHA issued a notice of hearing on August 10, 2009, and I convened the hearing as scheduled on August 18, 2009. The government offered six exhibits (GE) 1 through 6, which were received and admitted into evidence without objection. Applicant and one witness testified on her behalf. She submitted eight exhibits (AE) A through H, which were received and admitted into evidence without objection. DOHA received the transcript of the hearing (Tr.) on August 25, 2009. I held the record open until September 1, 2009, to allow Applicant to submit additional matters. On September 2, 2009, Applicant's counsel requested a one week extension of time to submit the additional matters. I granted the request in an Order dated September 3, 2009. Applicant timely submitted AE I through AE O, without objection. The record closed on September 8, 2009.

Procedural and Evidentiary Rulings

Notice

Applicant requested an expedited hearing. In light of this request, Applicant affirmatively waived her right under ¶ E3.1.8 of the Directive to 15 days notice of the hearing. (Tr. 9.)

Findings of Fact

In her Answer to the SOR, Applicant admitted the factual allegations in ¶¶ 1.b - 1.m, 1.r, 1.v - 1.z, 1.cc - 1.gg, 1.kk, and 1.oo of the SOR, with explanations. She denied the factual allegations in ¶¶ 1.a, 1.n - 1.q, 1.s - 1.u, 1.aa, 1.bb, 1.hh - 1.jj, 1.ll - 1.nn, and 1.pp - 1.vv of the SOR.¹ She also provided additional information to support her request for eligibility for a security clearance.

Applicant, who is 39 years old, works as a truck driver for a Department of Defense (DoD) contractor, a position she has held since July 2008. Her interim DOD security clearance has been withdrawn and she is currently not working. She held a security clearance with the Department of the Treasury for one year without incident.²

Applicant married her first husband in 1987 and they divorced 18 months later. They had one daughter, who is now 23 years old and married. Applicant did not receive child support for her daughter after her divorce. Because doctors diagnosed her

¹When SOR allegations are controverted, the government bears the burden of producing evidence sufficient to prove controverted allegations. Directive, ¶ E3.1.14. That burden has two components. First, the government must establish by substantial evidence that the facts and events alleged in the SOR indeed took place. Second, the government must establish a nexus between the existence of the established facts and events and a legitimate security concern. See ISCR Case No. 07-18525 (App. Bd. Feb. 18, 2009), (concurring and dissenting, in part).

²GE 1; Tr. 48, 128-129

daughter as bipolar as a young person, her daughter received social security disability benefits and her former husband does not owe her any back child support.³

Applicant married her second husband in December 1989 and they divorced in November 1994. They had two sons, who are 20 and 18. Her former husband is currently paying her \$108 a month for child support. In the past, she did not receive regular child support from her sons' father, who owes her \$17,000 in unpaid child support.⁴

Applicant married her current husband in 1995. While they have no children, he helped raise and provide financial support for her children. Her sons reside at home, but Applicant's daughter does not. Applicant has one grandchild.⁵

In 1991, while married to her first husband, Applicant's house burned. As a result, she received funding for low income housing under Section 8 housing.⁶ She rented property from 1991 until 1998. At the time she vacated this rental property, she believed all her rents had been paid and all required repairs were completed and paid.⁷

In 1993, Applicant attended a local college and culinary institute. She worked as a sous chef until November 1998. She earned \$8 an hour in this position. While at work in November 1998, she received a telephone call from her sister, advising that her young daughter tried to commit suicide. Over the next several years, numerous problems occurred with her daughter, including several more attempts to commit suicide, removal from the home because her daughter injured Applicant's younger son, and special education classes. Because doctors diagnosed Applicant's daughter as bipolar, she received many services to manage her daughter's medical treatment. Doctors diagnosed Applicant's younger son with attention deficit disorder. As a result of these problems and her concerns about leaving her daughter alone, Applicant decided to stop working and stay home with her children.⁸

³GE 1; Tr. 17, 18, 20, 21.

⁴*Id.*; Tr. 22. Applicant's former husband has been incarcerated 18 times for non-payment of child support. Tr. 22.

⁵GE 1; Tr. 18, 20.

⁶See United States Housing Act, 42 U.S.C. Chapter 8.

⁷Tr. 175. Applicant testified to a judgment of \$1,241 obtained in 1998 by her former landlord. She did not know about the judgment until recently. She attempted to contact her former landlord, but she could not find the landlord, whom she believes is dead. She also attempted to obtain a copy of the complete court record, but the records have been destroyed. Tr. 93-97. This debt is not listed on the SOR or in the credit reports of record. See GE 3; GE 4.

⁸*Id.* at 22-27.

For a period of time, Applicant's husband worked two jobs as a trucker. The local steel mill eventually offered him a full-time job which he accepted in 1998. In 2000, Applicant's husband injured his back on the job. He remained away from his job for three months. During this time, he did not receive any salary or worker's compensation payments, as a dispute arose about whether the contractor or subcontractor, for whom he worked, would pay. He returned to work against his doctor's advice because his family needed his income.⁹

With no income for three months, Applicant and her husband did not pay their bills. They filed a Chapter 13 bankruptcy in February 2001. Applicant and her husband made approximately \$12,000 in payments during the bankruptcy. In September 2002, her husband collapsed because of problems related to his earlier back injury, and he could no longer work. Applicant's husband had surgery on his back in November 2002.¹⁰

The bankruptcy included her mortgage. The bank had started foreclosure proceedings, which had ceased with the filing of the Chapter 13 filing. During the bankruptcy proceedings, her bankruptcy attorney filed a civil suit against the bank. She and the bank resolved this legal action with her providing the bank with title to the house and a determination she owed no additional money on the house. Applicant's husband then purchased a two-bedroom trailer for \$2,300, where the family started living in 2002.¹¹

Applicant's husband did not receive worker's compensation for a significant period of time following the reoccurrence of his injury. As a result, they could not make any additional payments under their bankruptcy plan and got behind in their bills. The court dismissed their case on March 18, 2003. Applicant's bankruptcy attorney told them that they could not file a Chapter 7 petition following the dismissal of the Chapter 13 case. After the dismissal of the bankruptcy petition, Applicant's husband began receiving 80% of his salary as his worker's compensation benefit.¹²

Applicant and her husband received a \$15,000 settlement from their car insurance carrier in 2003. Applicant enrolled in a four-month truck driving training program in August 2003. They paid this program's cost of \$9,000 with their settlement money and used the remaining \$6,000 to pay some of their accumulated bills. Applicant graduated from this program in December 2003.¹³

⁹*Id.* at 27-32.

¹⁰GE 5; Tr. 30, 53-62, 160, 164.

¹¹GE 5; Tr. 160-164, 185-186.

¹²AE A; Tr. 38-39, 53- 55, 61-62, 160.

¹³Tr. 37-39.

Upon completion of her truck driving training, Applicant returned to work in December 2003 as a truck driver. Over the next few years, Applicant worked for a number of trucking companies. She left two truck driving jobs because she could not earn a living. She drove long-distance for one company and left this job to drive locally due to family issues.¹⁴

In 2004, Appellant's husband settled his initial worker's compensation claim for \$21,000. He purchased a larger, used trailer for the family home for \$18,000 and paid some medical bills. They placed the trailer on a rental lot.¹⁵

In May 2005, Applicant's employer provided her with a truck that contained mold. Because she has asthma, she suffered a severe allergic reaction to the mold. She missed work for four months. During this time, her husband's back injury continued to prevent him from working. Applicant incurred medical bills to treat her asthma, which she submitted for worker's compensation payment. Her worker's compensation case remains unresolved, as do these bills.¹⁶

In August 2006, Applicant's husband settled his second worker's compensation case for \$310,000. They purchased a house and land in a rural area for \$155,000 cash. They purchased a used car for \$22,000. Because of her husband's back injury, they installed a pool for \$16,000, which provided therapy for his back, and purchased a special bed for \$6,000. They furnished the house as they had little usable furniture. They paid \$7,800 for her mother's funeral and placed \$50,000 in a retirement annuity. After these cash purchases, \$43,000 remained.¹⁷ Applicant did not explain why this money was not used to pay those medical bills not covered by worker's compensation and incurred through December 2006. However, the tax return discussion *infra* may explain her financial decisions.¹⁸

After moving to their new house in 2006, Applicant and her husband rented their trailer under a rent-to-own contract. Under the terms of the contract, the prospective purchasers agreed to pay the property taxes on the trailer. The prospective purchasers failed to pay the property taxes and moved. The trailer is for sale. Applicant recently learned she is responsible for the unpaid taxes for the years 2007 and 2008. She made arrangements to pay the tax debt of \$2,128 over the next year. She paid the initial \$720 payment on August 17, 2009. Under the payment plan, she agreed to pay \$194 a month for the next 11 months.¹⁹

¹⁴*Id.* 36, 39-49.

¹⁵*Id.* 132-134.

¹⁶*Id.* 40-42.

¹⁷Tr. 138-142, 192.

¹⁸This amount includes unpaid medical bills not listed in the SOR. See AE G.

¹⁹AE D; Tr. 97-100, 132-134, 192.

In December 2006, Applicant's teenage sons sustained serious injuries in a car accident. Her younger son nearly died in this accident. She incurred medical bills for their treatment. At the present time, a civil lawsuit is pending. The court has not set a trial date for this case. The parties are discussing possible settlement, but the terms of any settlement have not been decided.²⁰

The doctors released Applicant's husband to return to work in January 2008. They decided to work as a husband and wife driving team. Since his return to work, one of their jobs involved transporting millions of dollars for the Department of Treasury, which they did without incident. Because the job required them to carry a sawed-off shotgun and a 9 millimeter gun, as well as ride in a bulletproof truck, Applicant and her husband found the job very stressful. They decided to end this job.²¹

After discussions with other truckers, including husband and wife teams, a review of costs, and several months of consideration, Applicant and her husband decided to purchase a truck tractor in May 2009. They determined they could earn more money as owner-operators. Their truck cost \$130,000. They paid \$57,000 as a down payment and anticipate repaying their loan in two and one-half years.²²

Applicant projected their monthly income from owning and operating their truck at \$15,000 to \$20,000 a month. Using \$16,000 as their income, she determined that their monthly expenses for operating the truck and paying the truck payment would be approximately \$11,002 and their household monthly expenses would be \$4,001, leaving approximately \$997 a month. Her household budget includes two debt repayment plans, but not the monthly tax debt payment of \$194. Their retirement annuity has been cashed to pay bills, as Applicant and her husband cannot work until the clearance issue is resolved.²³

Applicant submitted her tax returns for 2006, 2007 and 2008. Her 2006 tax return indicates gross income of \$22,000 and a zero taxable income. Her 2007 tax return indicates gross income of \$25,211, a zero taxable income, and \$16,560 in medical bills paid in 2007. Her 2008 tax return indicates gross income of \$50,671, taxable income of \$7,314, and \$13,567 in medical bills paid in 2008.²⁴

The SOR alleged \$26,061 in unpaid debts. Allegation 1.hh referenced a power company debt of \$13,000, which Applicant denied owing. At the hearing, Applicant provided a letter from the power company, which indicated she did not owe any money

²⁰Tr. 118, 190.

²¹Tr. 34, 48-53.

²²*Id.* 50-53, 193.

²³AE F; Tr. 113-119.

²⁴AE I; AE J; AE K..

to it. Subsequent to the hearing, Applicant and her counsel contacted the collection agency listed as the holder of the debt. The collection agency has not provided specific information on this debt. Applicant has challenged the debt, in an effort to determine, what, if any, amount she owes. The majority of the remaining debts, \$12,350, concerns medical bills for Applicant and her family and held by one collection agency. Applicant believed many of these bills are related to her worker's compensation claim and her sons' automobile accident. Based on Applicant's evidence, the medical bills in the SOR breakdown as follows:

Applicant: \$8,998 (Allegations 1.c - 1.n, 1.s - 1.u, 1.aa, 1.bb, 1.dd, 1.ee, 1.jj, 1.ll, and 1.oo - 1.rr.)

Husband: \$176 (Allegations 1.mm and 1.nn)

Sons: \$235 and \$1,428 (Allegations 1.r, 1.v - 1.z, 1.cc, 1.ff, and 1.gg)

Applicant's evidence indicates that her sons' bills are for medical services provided between August 2004 and January 2006 and are not related to their accident injuries, as she believed. I find that her bills between May 2005 and December 2005 are connected to her work-related asthma problems. These bills total \$3,296 (allegations 1.n, 1.s, 1.t, 1.aa, 1.bb, and 1.rr.). I am unable to determine if any of her medical bills incurred in 2006, 2007 and 2008 are related to her worker's compensation case. Two medical bills are her husband's and were incurred while he did not work.²⁵

Applicant paid the debts listed in SOR allegations 1.ii, 1.kk, and 1.ss. Applicant requested verification from the hospital that she paid the debts in allegations 1.b and 1.tt, which she believes are duplications of the same debt. She verified a payment to the hospital in July 2009, under her patient number, which is not the same as the creditor's number. The hospital has not responded to her request to confirm her bills are paid. In the past, Applicant paid some money to the collection agency holding the majority of the medical debts listed in the SOR. In March 2009, she started a payment plan with this creditor. She agreed to pay \$25 a month and made the payment through September 2009. In the future, the creditor will charge her bank account each month for the monthly payment. She could not pay the creditor's recent one-time settlement offer.²⁶

One witness testified on Applicant's behalf. The witness, an auctioneer, and Applicant met when Applicant worked selling items at flea markets between 1998 and 2002. The witness requested Applicant to work as a "picker" because Applicant could select appropriate items for auction. The witness and Applicant developed a strong friendship. The witness trusted Applicant to care for her elderly mother, as the witness lived many miles away. Applicant never betrayed this trust by taking money, furnishings or any items from the home of the witness's mother. She recommended Applicant for a

²⁵SOR; AE C; AE G; AE M; AE O.

²⁶Response to SOR; AE B; AE L; AE N: Tr. 83-83, 205.

clearance as she is trustworthy. Applicant's employer and co-workers described her as reliable, efficient, hard working, honest, and dependable. Friends described her in similar positive terms.²⁷

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 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 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, an applicant is responsible for presenting "witnesses and other evidence to rebut, explain, extenuate, or mitigate facts admitted by applicant or proven by Department Counsel. . . ." An 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 an 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.

²⁷AE E; Tr. 197-203.

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 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 classified 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 security 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 when her husband sustained an on-the-job injury and did not receive worker’s compensation payments immediately. She was unable to pay her obligations for a period of time as the family lacked sufficient income. The evidence is sufficient to raise these potentially disqualifying conditions, requiring a closer examination.

The guideline also includes examples of conditions that could mitigate security 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 worries arose when her husband injured his back at work in 2000. Her medical bills continued to accumulate and some remain unpaid. This mitigating condition does not apply.

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 began when her husband injured his back at work in 2000, did not work for three months, and did not receive worker’s compensation benefits. Her husband re-injured his back in 2002, causing him to stop working for more than five years. For sometime after his injury, he did not receive any worker’s compensation benefits. In 2005, Applicant missed four months from her job for a work-related injury. These

injuries and the resulting loss of income are beyond her control. Most of the accumulated debts from this period of time are paid, except some of the medical bills. Applicant worked at paying the bills she could and obtained a new job skill to help earn an income for the family. She acted reasonably under the circumstances. This mitigating condition applies.

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 did not receive financial counseling. This mitigating condition is not 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 paid several smaller bills listed in the SOR. She has developed a payment plan for the unpaid medical bills and two debts not listed in the SOR. Since her husband’s injuries in 2000 and 2002, Applicant has worked diligently, and continues to work, to resolve all the unpaid bills. She has made major progress in her debt resolution. Her finances are sound. This mitigating condition partially applies.

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 to allegation 1.hh. The power company confirmed that Applicant does not owe it any money. Applicant rightfully challenged the validity of this debt with the creditor. In addition, since more than \$3,000 of the debt listed are connected to Applicant’s worker’s compensation case, her denial of these debts is legitimate as the debts should be paid as part of her claim. Her medical bills for her worker’s compensation case have been referred for payment.

Finally, AG ¶ 20 (f) “the affluence resulted from a legal source of income” must be considered. Applicant’s husband received a large sum of money in 2006. He received this money when he settled his second worker’s compensation case. This money came from a legal source and explains why Applicant’s debts are not larger.

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 an applicant’s conduct and all relevant 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) 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 decision to grant or deny a security clearance 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 security concern is established and then whether it is mitigated. A determination of an applicant's eligibility for a security clearance 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 security concern.

The evidence in support of granting a security clearance to applicant under the whole person concept is more substantial than the evidence in support of denial. In reaching a conclusion, I considered the potentially disqualifying and mitigating conditions in light of all the facts and circumstances surrounding this case. Applicant's unpaid medical bills are significant. The remaining unpaid taxes and telephone bill are not large and will be resolved shortly. Applicant's financial problems began when her husband injured himself at work and could not work for three months in 2000. During this period of time, Applicant did not work because of serious issues with her daughter and younger son, and her husband received no income or worker's compensation benefits. They filed a Chapter 13 bankruptcy petition to stabilize their finances and help them repay their debts. They did not achieve their goal as her husband suffered a serious relapse of his prior back injury in September 2002, which prevented him from working for more than five years. The bankruptcy petition was dismissed and their house returned to the bank.

The loss of income and their house forced Applicant and her family to live in a small trailer for two years. In 2003, their finances began to improve somewhat. With the money her husband received from insurance, Applicant received training to return to the workplace to help contribute to the household costs. They also paid some bills. Applicant returned to the work place in December 2003. Some months later, her husband received a \$21,000 settlement in his first work injury case. He used most of this money to buy a larger trailer for the family housing and paid some bills.

Over the next two years, Applicant's income fluctuated because some jobs failed to pay a reasonable income, if at all. In 2005, she missed four months from work because of her work-related injury. Throughout this period of time, Applicant and her husband paid their basic bills, but did not resolve all their medical bills. They did not live beyond their financial means; rather they lived simply, trying to manage their family issues and finances. The problems with her daughter and younger son placed significant demands on the family.

In 2006, Applicant's husband received a large settlement for his second work-related back injury. They used this money wisely, not foolishly. They purchased a house, not a luxury house, which allowed them to move out of their trailer. Because the preceding years had been lean, they needed basic furniture for their new house. The severity of her husband's back injury necessitated the purchase of an expensive bed and a pool for exercise. As they live in a rural area, a club with a pool is not available nearby. Their purchases, which are not extravagant, reflect a consideration for housing stability for their family and providing basic life needs. They did not use this money to buy expensive vacations, boats, jewelry, or other luxury items.

Over the last few years, Applicant and her husband strived to attain family stability and financial security after years of poverty-level living and financial instability. Their income rose above the poverty level between 2006 and 2008. During this time, they paid \$30,000 in medical bills. They made financial choices that they believed best served their family, without resorting to overuse of credit cards or loans to buy goods they could not afford. Applicant and her husband think about how to spend their money and do so wisely. She is resolving the outstanding medical bills slowly. Thus, these bills cannot be a source of improper pressure or duress. Of course, the issue is not simply whether all her debts are paid—it is whether her financial circumstances raise concerns about her fitness to hold a security clearance. While some debts remain unpaid, they are insufficient to raise security concerns. (See AG ¶ 2(a)(1).) Applicant and her husband transported millions of dollars for the Department of the Treasury, without attempting to take any of this money to help themselves. Her witness trusted Applicant to care for her elderly mother and her trust was well placed. In looking at the totality of the hardships Applicant has endured in the last 11 years and her response to her difficulties, there is little likelihood or concern that Applicant would betray the trust given to her as a Department of Defense contractor.

Overall, the record evidence leaves me without questions or doubts as to Applicant's eligibility and suitability for a security clearance. For all these reasons, I conclude Applicant mitigated the security concerns arising from her finances under Guideline F.

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
Subparagraph 1.h:	For Applicant
Subparagraph 1.i:	For Applicant
Subparagraph 1.j:	For Applicant
Subparagraph 1.k:	For Applicant
Subparagraph 1.l:	For Applicant
Subparagraph 1.m:	For Applicant
Subparagraph 1.n:	For Applicant
Subparagraph 1.o:	For Applicant
Subparagraph 1.p:	For Applicant
Subparagraph 1.q:	For Applicant
Subparagraph 1.r:	For Applicant
Subparagraph 1.s:	For Applicant
Subparagraph 1.t:	For Applicant
Subparagraph 1.u:	For Applicant
Subparagraph 1.v:	For Applicant
Subparagraph 1.w:	For Applicant
Subparagraph 1.x:	For Applicant
Subparagraph 1.y:	For Applicant
Subparagraph 1.z:	For Applicant
Subparagraph 1.aa:	For Applicant
Subparagraph 1.bb:	For Applicant
Subparagraph 1.cc:	For Applicant
Subparagraph 1.dd:	For Applicant
Subparagraph 1.ee:	For Applicant
Subparagraph 1.ff:	For Applicant
Subparagraph 1.gg:	For Applicant
Subparagraph 1.hh:	For Applicant
Subparagraph 1.ii:	For Applicant
Subparagraph 1.jj:	For Applicant
Subparagraph 1.kk:	For Applicant
Subparagraph 1.ll:	For Applicant
Subparagraph 1.mm:	For Applicant
Subparagraph 1.nn:	For Applicant
Subparagraph 1.oo:	For Applicant
Subparagraph 1.pp:	For Applicant
Subparagraph 1.qq:	For Applicant
Subparagraph 1.rr:	For Applicant
Subparagraph 1.ss:	For Applicant
Subparagraph 1.tt:	For Applicant
Subparagraph 1.uu:	For Applicant
Subparagraph 1.vv:	For Applicant

Conclusion

In light of all of the circumstances presented by 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.

MARY E. HENRY
Administrative Judge