



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



In the matter of:)	
)	
-----)	ISCR Case No. 09-02731
SSN: -----)	
)	
Applicant for Security Clearance)	

Appearances

For Government: Nichole Noel, Esquire, Department Counsel
For Applicant: *Pro se*

November 18, 2010

Decision

GALES, Robert Robinson, Administrative Judge:

Applicant failed to mitigate the security concerns regarding financial considerations. Eligibility for a security clearance and access to classified information is denied.

Statement of the Case

On December 2, 2008, Applicant applied for a security clearance and submitted an Electronic Questionnaire for Investigations Processing (e-QIP) version of a Security Clearance Application (SF 86).¹ On unspecified dates, the Defense Office of Hearings and Appeals (DOHA) furnished him three sets of interrogatories. He responded to the first set of interrogatories on June 15, 2009;² the second set of interrogatories on June 15, 2009;³ and the third set of interrogatories on August 13, 2009.⁴ On November 24,

¹ Government Exhibit 1 (SF 86), dated December 2, 2008.

² Government Exhibit 2 (Applicant's Answers to Interrogatories, dated June 15, 2009).

³ Government Exhibit 3 (Applicant's Answers to Interrogatories, dated June 15, 2009).

2009, DOHA issued a Statement of Reasons (SOR) to him, pursuant to 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 and modified (Directive); and *Adjudicative Guidelines for Determining Eligibility For Access to Classified Information* (effective within the Department of Defense on September 1, 2006) (AG) for all adjudications and other determinations made under the Directive. The SOR alleged security concerns under Guideline F (Financial Considerations), and detailed reasons why DOHA could not make a preliminary affirmative finding under the Directive that it is clearly consistent with the national interest to grant or continue a security clearance for Applicant, and recommended referral to an administrative judge to determine whether a clearance should be granted, continued, denied, or revoked.

Applicant acknowledged receipt of the SOR on January 21, 2010. In a sworn, written statement, notarized on January 26, 2010, Applicant responded to the SOR allegations and requested a hearing before an administrative judge. Department Counsel indicated the Government was prepared to proceed on May 22, 2010, and the case was assigned me on June 7, 2010. A Notice of Hearing was issued on July 1, 2010, and I convened the hearing, as scheduled, on July 15, 2010.⁵

During the hearing, six Government exhibits were admitted into evidence, without objection. Applicant testified. The record remained open to afford Applicant the opportunity to supplement it, and at sometime before August 4, 2010, he submitted two documents that were admitted into evidence as Applicant Exhibits A and B, respectively, without objection. The transcript (Tr.) was received on July 23, 2010.

Findings of Fact

In his Answer to the SOR, Applicant admitted nearly all of the factual allegations (¶¶ 1.a. through 1.w., 1.aa. through 1.ee., 1.gg. through 1.jj., 1.mm., and 1.pp.) of the SOR. He denied the remaining factual allegations (¶¶ 1.x. through 1.z., 1.ff., 1.kk., 1.ll., 1.nn., and 1.oo.).

Applicant is a 36-year-old employee of a defense contractor, currently serving as a senior instructor specialist,⁶ and he is seeking to obtain a security clearance. A May 1992 high school graduate,⁷ he served on active duty with the U.S. Air Force from December 1992 until April 1994,⁸ including service in Iraq.⁹ Because of misconduct, he

⁴ Government Exhibit 4 (Applicant's Answers to Interrogatories, dated August 13, 2009).

⁵ On July 15, 2010, Applicant executed a waiver of the 15-day notice requirement set forth in the Directive, Additional Procedural Guidance Sec. E3.1.8.

⁶ Government Exhibit 1, *supra* note 1, at 12.

⁷ *Id.* at 11.

⁸ *Id.* at 23.

received a General Discharge (Under Honorable Conditions).¹⁰ Since leaving active duty, he has worked in a variety of positions in a variety of locations. He was a driver; a mechanic; a crew chief; a maintenance foreman in Iraq; a quality controller in Iraq; and an instructor, before being hired by his current employer.¹¹ He has been with his current employer since December 2008.¹²

Applicant has been married since January 1999,¹³ and he and his wife have four children, aged 11, 9, 7, and 5, respectively.¹⁴

Financial Considerations

There was nothing unusual about Applicant's finances until he was discharged from the military in 1994, at which time his employment became "sporadic"¹⁵ with minimum wage jobs.¹⁶ Commencing in 2000, the family was living "beyond our means,"¹⁷ because his income was not always sufficient to cover all of his family's living expenses, so he delayed making payments on some debts, resulting in getting behind on some accounts.¹⁸ In addition, he did not have medical insurance, so he would routinely take his children to the emergency room rather than to try to come up with money to pay for a doctor.¹⁹ On two occasions, once in 2003 when he had his appendix removed, and once in 2005 for a heart condition, Applicant had to be hospitalized between five and seven days.²⁰ Throughout this entire period, Applicant's wife did not work.²¹ During an unspecified period when his wife was pregnant, Applicant and his family received food stamps.²² They also received Medicaid coverage until October 2005.²³

⁹ Certificate of Release or Discharge From Active Duty (DD Form 214), dated April 21, 1994, attached to Government Exhibit 4, *supra* note 4.

¹⁰ *Id.*

¹¹ Government Exhibit 1, *supra* note 1, at 13-18.

¹² *Id.* at 12.

¹³ *Id.* at 20.

¹⁴ Tr. at 22.

¹⁵ Personal Subject Interview, dated January 21, 2009, at 1, attached to Government Exhibit 2, *supra* note 2.

¹⁶ Tr. at 25.

¹⁷ *Id.*

¹⁸ *Id.*

¹⁹ *Id.*

²⁰ *Id.* at 25-26.

²¹ *Id.* at 28-33.

²² Applicant's Answer to the SOR, dated January 26, 2010.

In December 2008, when Applicant completed his SF 86, he stated that in the last seven years, he had not been over 180 days delinquent on any debts, and that he was not currently over 90 days delinquent on any debts.²⁴ Both of those statements were false.²⁵

In January 2009, Applicant was interviewed by an investigator from the U.S. Office of Personnel Management (OPM), and they discussed his entire financial situation.²⁶ Applicant stated that he would “determine the validity of the debts” discussed, and he would satisfy all the valid debts “over the next 60 months.”²⁷ At that time, he had not received any financial counseling or debt consolidation guidance.²⁸

In June, 2009, Applicant submitted a partial personal financial statement.²⁹ That document reflected only monthly expenses of \$2,884, with no information pertaining to net monthly income, scheduled monthly debt payments, or net monthly remainder, if any, available for discretionary spending.³⁰ During the hearing, he indicated his current annual salary is \$86,000.³¹ He also acknowledged that his budget was not committed to paper.³²

About three or four months before the hearing, Applicant met with a financial counselor, but it was purportedly determined that Applicant’s debt was not of the type to be consolidated because it was medical debt and not credit card debt.³³ He has offered

²³ Tr. at 76-77.

²⁴ Government Exhibit 1, *supra* note 1, at 29.

²⁵ The SOR did not allege that Applicant had falsified his responses to the financial questions in the SF 86. In ISCR Case No. 03-20327 at 4 (App. Bd. Oct. 26, 2006) the Appeal Board listed five circumstances in which conduct not alleged in an SOR may be considered stating:

(a) to assess an applicant’s credibility; (b) to evaluate an applicant’s evidence of extenuation, mitigation, or changed circumstances; (c) to consider whether an applicant has demonstrated successful rehabilitation; (d) to decide whether a particular provision of the Adjudicative Guidelines is applicable; or (e) to provide evidence for whole person analysis under Directive Section 6.3.

(citing ISCR Case No. 02-07218 at 3 (App. Bd. Mar. 15, 2004); ISCR Case No. 00-0633 at 3 (App. Bd. Oct. 24, 2003)). I have considered the non-SOR derogatory information in this decision solely to assess Applicant’s credibility regarding his purported efforts to resolve his delinquent debts.

²⁶ Personal Subject Interview, *supra* note 15.

²⁷ *Id.* at 2.

²⁸ *Id.*

²⁹ Personal Financial Statement, undated, attached to Government Exhibit 3, *supra* note 3.

³⁰ *Id.*

³¹ Tr. at 33.

³² *Id.* at 81.

³³ *Id.* at 79-80.

no documentation to support that determination. On July 19, 2010, four days after the hearing, Applicant met with a financial counselor, and purportedly engaged their debt management counseling services in negotiating a repayment plan with his creditors.³⁴ A debt management program was prepared, covering 16 creditors with an outstanding balance of \$8,738.³⁵ Under the program, Applicant was to deposit with the financial counselor \$400.60 on July 19, 2010; and \$336.60 every month thereafter, from which \$296 was to be paid to those particular creditors, commencing in November 2010, with an estimated payoff date for the final payment in October 2012.³⁶

During the hearing, Applicant indicated that, for the vast majority of the delinquent accounts, he had made no efforts to contact the creditors or attempt to set up repayment plans. Those few creditors with whom he made such attempts were unresponsive. Some of the creditors were not known to him. He claimed he sought validation from some creditors, and disputed other accounts,³⁷ but offered no documentation to support his claims. His position regarding his debts differs slightly from the major position he stated in his responses to the interrogatories in June 2009, wherein he generally stated: "Seeking credit counseling to pay off debts."³⁸ With the exception of his SOR-related delinquent accounts, Applicant is current on all other financial obligations.³⁹

The SOR identified 42 purportedly continuing delinquencies, totaling \$20,747, as reflected by credit reports from 2008⁴⁰ and 2009.⁴¹ Some accounts have been transferred, reassigned, or sold to other creditors or collection agents. Other accounts are referenced repeatedly in the credit reports, in many instances duplicating other accounts listed, either under the same creditor or collection agent name, or under a different creditor or collection agent 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.

³⁴ Applicant Exhibit A (Debt Management Agreement Program, dated July 19, 2010, at 4. It should be noted that this is a proposed agreement that is not signed by either party, and it is unclear if the agreement ever actually went into effect.

³⁵ *Id.* at 1.

³⁶ *Id.*

³⁷ Tr. at 35-76.

³⁸ Government Exhibit 3, *supra* note 3, at 2-4, 6-8.

³⁹ Tr. at 82-83.

⁴⁰ Government Exhibit 6 (Combined Experian, Trans Union, and Equifax Credit Report, dated December 12, 2008) (2008 Credit Report).

⁴¹ Government Exhibit 5 (Equifax Credit Report, dated August 29, 2009) (2009 Credit Report).

Two of the accounts listed in the SOR (¶¶ 1.a. and 1.s.), medical accounts, are identical accounts,⁴² although two different collection agencies and two different account numbers appear in the credit reports. The outstanding balance for both is \$305, and both accounts were opened in November 2005. Other accounts may also be duplicates of other accounts, but in the absence of evidence to support such a conclusion, they must stand as stated in the SOR. As to the accounts listed in the SOR, based on the absence of documentary evidence of payments before me, I conclude that no payments have been made to any of the delinquent accounts.

Policies

The U.S. Supreme Court has recognized the substantial discretion of the Executive Branch in regulating access to information pertaining to national security emphasizing, “no one has a ‘right’ to a security clearance.”⁴³ As Commander in Chief, the President has the authority to control access to information bearing on national security and to determine whether an individual is sufficiently trustworthy to have access to such information. The President has authorized the Secretary of Defense or his designee to grant an applicant eligibility for access to classified information “only upon a finding that it is clearly consistent with the national interest to do so.”⁴⁴

When evaluating an applicant’s suitability for a security clearance, the administrative judge must consider the AG. In addition to brief introductory explanations for each guideline, the AG list potentially disqualifying conditions and mitigating conditions, which are used in evaluating an applicant’s eligibility for access to classified information.

An administrative judge need not view the guidelines as inflexible, ironclad rules of law. Instead, acknowledging 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. 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 meaningful decision.

In the decision-making process, facts must be established by “substantial evidence.”⁴⁵ The Government initially has the burden of producing evidence to establish

⁴² *Id.* at 1; Government Exhibit 6, *supra* note 39, at 7.

⁴³ *Department of the Navy v. Egan*, 484 U.S. 518, 528 (1988).

⁴⁴ Exec. Or. 10865, *Safeguarding Classified Information within Industry* § 2 (Feb. 20, 1960), as amended and modified.

⁴⁵ “Substantial evidence [is] such relevant evidence as a reasonable mind might accept as adequate to support a conclusion in light of all contrary evidence in the record.” ISCR Case No. 04-11463 at 2 (App. Bd. Aug. 4, 2006) (citing Directive ¶ E3.1.32.1). “Substantial evidence” is “more than a scintilla but less than a preponderance.” *See v. Washington Metro. Area Transit Auth.*, 36 F.3d 375, 380 (4th Cir. 1994).

a potentially disqualifying condition under the Directive, and has the burden of establishing controverted facts alleged in the SOR. Once the Government has produced substantial evidence of a disqualifying condition, under Directive ¶ E3.1.15, the applicant has the burden of persuasion to present evidence in refutation, explanation, extenuation or mitigation, sufficient to overcome the doubts raised by the Government's case. The burden of disproving a mitigating condition never shifts to the Government.⁴⁶

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 as well. It is because of this special relationship that the government must be able to repose a high degree of trust and confidence in those individuals to whom it grants access to classified information. Decisions include, by necessity, consideration of the possible risk the applicant may deliberately or inadvertently fail to 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. Furthermore, "security clearance determinations should err, if they must, on the side of denials."⁴⁷

Clearance decisions must be "in terms of the national interest and shall in no sense be a determination as to the loyalty of the applicant concerned."⁴⁸ Thus, nothing in this decision should be construed to suggest that I have based this decision, in whole or in part, on any express or implied determination as to Applicant's allegiance, loyalty, or patriotism. It is merely an indication the Applicant has not met the strict guidelines the President and the Secretary of Defense have established for issuing a clearance. 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.

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. . . .

⁴⁶ See ISCR Case No. 02-31154 at 5 (App. Bd. Sep. 22, 2005).

⁴⁷ *Egan*, 484 U.S. at 531

⁴⁸ See Exec. Or. 10865 § 7.

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. Also, under AG ¶ 19(e), “consistent spending beyond one’s means, which may be indicated by excessive indebtedness, significant negative cash flow, high debt-to-income ratio, and/or other financial analysis,” is potentially disqualifying. As noted above, there was nothing unusual about Applicant’s finances until he was discharged from the U.S. Air Force in 1994. Commencing in 2000, the family was living beyond their means because his income was not always sufficient to cover all of his family’s living expenses, so they delayed making some payments to creditors, resulting in getting behind on some accounts. With insufficient funds to pay the monthly payments, Applicant’s accounts fell deeper into delinquency. Although he received food stamps and Medicaid, accounts remained delinquent and were sent for collection. They have remained in a delinquent status ever since. He made limited efforts to contact some of his creditors to resolve his accounts until 2010. AG ¶¶ 19(a), 19(c), and 19(e) apply.

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.” Also, under AG ¶ 20(b), financial security concerns may be mitigated 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.” 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). Similarly, AG ¶ 20(d) applies where the evidence shows “the individual initiated a good-faith effort to repay overdue creditors or otherwise resolve debts.”⁴⁹ Also, AG ¶ 20(e) may apply where “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.”

⁴⁹ The Appeal Board has previously explained what constitutes a “good-faith” effort to repay overdue creditors or otherwise resolve debts:

In order to qualify for application of [the “good-faith” mitigating condition], an applicant must present evidence showing either a good-faith effort to repay overdue creditors or some other good-faith action aimed at resolving the applicant’s debts. The Directive does not define the term ‘good-faith.’ However, the Board has indicated that the concept of good-faith ‘requires a showing that a person acts in a way that shows reasonableness, prudence, honesty, and adherence to duty or obligation.’ Accordingly, an applicant must do more than merely show that he or she relied on a legally available option (such as bankruptcy [or statute of limitations]) in order to claim the benefit of [the “good-faith” mitigating condition].

(internal citation and footnote omitted) ISCR Case No. 02-30304 at 3 (App. Bd. Apr. 20, 2004) (quoting ISCR Case No. 99-9020 at 5-6 (App. Bd. June 4, 2001)).

Applicant's financial problems commenced sometime between 1994 and 2000, and have continued to the present day, although he joined his current employer in December 2008, and currently earns an annual salary of \$86,000. Although he remained gainfully employed throughout the entire period, Applicant has acknowledged living beyond his means with little effort to address his delinquent accounts. Ignoring the timely handling of his bills, while still spending money, Applicant actually exacerbated his financial meltdown. Because he has multiple delinquent debts and his financial problems are continuing in nature, he receives minimal application of AG ¶ 20(a). Applicant's handling of his finances, under the circumstances, casts doubt on his current reliability, trustworthiness, or good judgment.

Likewise, he receives minimal application of AG ¶ 20(b), for while he may have worked for awhile in low-paying positions, there is little evidence that Applicant was buffeted by circumstances beyond his control. Applicant failed to act responsibly under the circumstances. Rather than consolidating and minimizing expenses, he seemingly continued to spend unwisely. He continued his expenditures, ignored his debts, and failed to reduce his delinquencies.⁵⁰

AG ¶ 20(c) partially applies because Applicant has received financial counseling and debt consolidation guidance from a credit counselor, in preparation of a proposed debt management program, in July 2010.

AG ¶ 20(d) minimally applies because Applicant made limited efforts to address his delinquent accounts until after the hearing. There is no documentary evidence to support Applicant's contentions that he ever contacted any of those creditors to try to make repayment arrangements. Instead, he talked about doing so, and promised to do so, but there is no documentary evidence that any creditors had agreed with his proposed plan or that any payments had, in fact, been made. Over the years, Applicant did not act aggressively, timely, or responsibly to resolve his delinquent debts. Instead, he ignored his debts until his security clearance review commenced.

AG ¶ 20(e) does not apply because Applicant has not provided documented proof to substantiate the basis of any disputed account.

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 applicant's conduct and all the circumstances. The administrative judge should consider the nine adjudicative process factors listed at AG ¶ 2(a):

⁵⁰ "Even if Applicant's financial difficulties initially arose, in whole or in part, due to circumstances outside his [or her] control, the Judge could still consider whether Applicant has since acted in a reasonable manner when dealing with those financial difficulties." ISCR Case No. 05-11366 at 4 n.9 (App. Bd. Jan. 12, 2007) (citing ISCR Case No. 03-13096 at 4 (App. Bd. Nov. 29, 2005); ISCR Case No. 99-0462 at 4 (App. Bd. May 25, 2000); ISCR Case No. 99-0012 at 4 (App. Bd. Dec. 1, 1999)).

(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.

There is some evidence in favor of mitigating Applicant's conduct. Following his discharge from military service in 1994, Applicant took several low-paying positions. As his family grew, his finances spun out of control. After a lengthy period of inaction during which he did not address his creditors, according to Applicant, he initiated some efforts to address some accounts. After the hearing, he also prepared his repayment proposal.

The disqualifying evidence under the whole-person concept is more substantial. While less than desired earnings, supplemented by public assistance, were, at times, circumstances beyond his control, Applicant continued to obtain services and goods from a variety of creditors, but either had no ability or intention to pay for them. As a result, he continued to accumulate delinquent debt and did not pay his older debts. Even as his income improved, he did not make significant efforts to pay any of delinquent debts. Instead, he generally ignored his creditors until the hearing. After the hearing, he prepared a proposed repayment plan, without documented concurrence from his creditors, and made a number of promises to follow his repayment plan. Yet, despite the passage of time, there is little documentation to support his contentions that he had contacted his creditors, signed the debt management program, or actually commenced his promised payments in compliance with his repayment plan. His long-standing failure to repay creditors, at least in reasonable amounts, or to arrange payment plans, while creating new debts, reflects traits which raise concerns about his fitness to hold a security clearance.

I am mindful that while any one factor, considered in isolation, might put Applicant's credit history in a sympathetic light, I have evaluated the various aspects of this case in light of the totality of the record evidence and have not merely performed a piecemeal analysis.⁵¹ His insufficient good-faith efforts or documentary evidence to reflect actual payments to his SOR creditors are sufficient to raise continuing security concerns. See AG ¶ 2(a)(1) through AG ¶ 2(a)(9).

⁵¹ See *U.S. v. Bottone*, 365 F.2d 389, 392 (2d Cir. 1966); See also ISCR Case No. 03-22861 at 2-3 (App. Bd. Jun. 2, 2006).

The Appeal Board has addressed a key element in the whole-person analysis in financial cases stating:⁵²

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 [or she] has paid off each and every debt listed in the SOR. All that is required is that an applicant demonstrate that he [or she] has “ . . . established a plan to resolve his [or her] 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 [or her] 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.

Although there are some positive signs, such as Applicant’s descriptions of efforts to take corrective actions, and maintenance of accounts on his current daily living expenses, these steps are simply insufficient to show he can “live within [his] means, satisfy debts, and meet financial obligations.” See AG ¶ 18. Overall, the record evidence leaves me with substantial questions and doubts as to Applicant’s eligibility and suitability for a security clearance. For all these reasons, I conclude Applicant has failed to mitigate the security concerns arising from his financial considerations.

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:	Against Applicant
Subparagraph 1.c:	Against Applicant
Subparagraph 1.d:	Against Applicant
Subparagraph 1.e:	Against Applicant
Subparagraph 1.f:	Against Applicant
Subparagraph 1.g:	Against Applicant
Subparagraph 1.h:	Against Applicant

⁵² ISCR Case No. 07-06482 at 2-3 (App. Bd. May 21, 2008) (internal citations omitted).

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

Conclusion

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

ROBERT ROBINSON GALES
Administrative Judge