



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



In the matter of:

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Applicant for Security Clearance

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ISCR Case No. 09-05692

**Appearances**

For Government: D. Michael Lyles, Esquire, Department Counsel

For Applicant: *Pro se*

January 31, 2011

**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 March 20, 2009, Applicant applied for a security clearance and submitted an Electronic Questionnaire for Investigations Processing (e-QIP) version of a Security Clearance Application (SF 86).<sup>1</sup> On an unspecified date, the Defense Office of Hearings and Appeals (DOHA) furnished her a set of interrogatories. She responded to the interrogatories on November 16, 2009.<sup>2</sup> On April 8, 2010, DOHA issued a Statement of Reasons (SOR) to her, 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*

<sup>1</sup> Government Exhibit 1 (SF 86), dated March 20, 2009.

<sup>2</sup> Government Exhibit 2 (Applicant's Answers to Interrogatories, dated November 16, 2009).

(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 April 15, 2010. In a written statement, notarized on May 14, 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 July 8, 2010, and the case was assigned to me on August 4, 2010. A Notice of Hearing was issued on August 23, 2010, and I convened the hearing, as scheduled, on September 21, 2010.

During the hearing, five Government exhibits (GE 1-5) were admitted into evidence, without objection. Applicant testified. The record remained open to afford Applicant the opportunity to supplement it, and on October 4, 2010, she submitted seven documents (AE A-G) that were admitted into evidence, without objection. The transcript (Tr.) was received on October 4, 2010.

### **Findings of Fact**

In her Answer to the SOR, Applicant admitted all of the factual allegations (¶¶ 1.a. through 1.j.) of the SOR. Those admissions are incorporated herein as findings of fact.

Applicant is a 36-year-old employee of a defense contractor, serving as an accounting and administrative assistant,<sup>3</sup> and she is seeking to obtain a security clearance.<sup>4</sup> A June 1992 high school graduate through the General Educational Development (GED) program,<sup>5</sup> with a year of additional credits at a community college and a university,<sup>6</sup> she has worked in a variety of full-time and part-time, as well as seasonal, positions over the years.<sup>7</sup> She has no prior military service.<sup>8</sup> Applicant was

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<sup>3</sup> Applicant Exhibit E (Position Description, dated September 13, 2010), which describes the position as accounting/administrative assistant; and Applicant Exhibit D (Performance Evaluation, signed by rater May 3, 2010), at 1, describing the position as accounting clerk. Applicant stated she was the administrative assistant and accounting assistant to the chief financial officer. Tr. at 38.

<sup>4</sup> At the time of the hearing, Applicant held an interim Secret clearance. *Id.* at 5.

<sup>5</sup> Government Exhibit 1, *supra* note 1, at 14; Tr. at 30.

<sup>6</sup> *Id.* Government Exhibit 1, at 12-13.

<sup>7</sup> *Id.* at 14-22.

<sup>8</sup> Government Exhibit 1, *supra* note 1, at 25.

unemployed on three relatively brief occasions. She was initially laid off from a hospital supply company in April 2005, and was unemployed for about three weeks;<sup>9</sup> from a pharmaceutical company in June 2007, and was unemployed for two to three weeks;<sup>10</sup> and she was an accounts payable utility billing specialist with a mortgage company from July 2007 until she was laid off in March 2009.<sup>11</sup> She was unemployed for four weeks before being hired by her current employer in about April 2009.<sup>12</sup> During her latest period of unemployment, Applicant received unemployment compensation for one week.<sup>13</sup>

Applicant has never been married.<sup>14</sup> She has two children, born in 1993 and 1994, respectively.<sup>15</sup>

### **Financial Considerations**

Applicant contends that there was nothing unusual about her finances until she was laid off in March 2009, and that she did not have any delinquencies, “that [she could] recall.”<sup>16</sup> She stated that in anticipation of purchasing a residence in 2004, she made sure her finances were in order and paid off all of her credit card bills.<sup>17</sup> Several accounts were reported as delinquent, placed for collection, or charged off, in 2007,<sup>18</sup> 2008,<sup>19</sup> and early 2009.<sup>20</sup> When she was laid off in 2009, her mortgage had been 30 days past due on six or more occasions.<sup>21</sup> Her student loans were in collection.<sup>22</sup>

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<sup>9</sup> Tr. at 33-34.

<sup>10</sup> *Id.* at 35.

<sup>11</sup> Government Exhibit 1, *supra* note 1, at 15; Personal Subject Interview, dated July 1, 2009, at 1, attached to Government Exhibit 2, *supra* note 2.

<sup>12</sup> Tr. at 19, 22. *Compare* Personal Subject Interview, at 1, wherein she stated she was unemployed for two months.

<sup>13</sup> *Id.* at 27.

<sup>14</sup> Government Exhibit 1, *supra* note 1, at 28.

<sup>15</sup> *Id.* at 30-31.

<sup>16</sup> *Id.* at 43.

<sup>17</sup> *Id.*

<sup>18</sup> Government Exhibit 5 (Combined Experian, TransUnion, and Equifax Credit Report, dated April 25, 2009), at 6-7.

<sup>19</sup> *Id.* at 5.

<sup>20</sup> *Id.* at 5-7, 9.

<sup>21</sup> *Id.* at 5.

<sup>22</sup> *Id.* at 7.

Applicant stated that immediately upon being laid off, she began contacting her creditors to inform them of her circumstances and attempted to set up repayment plans. She also requested a forbearance plan for her student loans.<sup>23</sup> She had received no reply to her efforts as of July 2009.<sup>24</sup> The forbearance request was subsequently disapproved.<sup>25</sup> Applicant took no further action to contact her creditors until about 30 days before the September 2010 hearing because “it was the first time that it looked like [she] may have the opportunity to start paying some of them off. The smaller ones at least.”<sup>26</sup> She purportedly wrote letters to her creditors requesting payoff amounts, but did not try to negotiate any repayment plans.<sup>27</sup> There is no documentary evidence to support Applicant’s contentions that she made any contacts with her creditors, either in 2009 or in 2010. As of the date of the hearing, Applicant had not received any responses from her creditors.<sup>28</sup>

For the past nine years, Applicant has also been employed in a seasonal capacity generally for six weeks, earning approximately \$12.90 per hour. During a 60-day period from October 12, 2009 until November 8, 2009, she earned \$1,004.46 from that job.<sup>29</sup> The job adds about \$2,000 to her gross income over the course of a year.<sup>30</sup> Overall, in 2008, Applicant’s take home pay was \$38,000, and in 2009 it was \$22,000.<sup>31</sup>

Applicant has never received any credit counseling or debt management counseling.<sup>32</sup> At the time of the hearing, Applicant still had not developed a written financial plan or budget,<sup>33</sup> but based on her estimate, she claimed to have \$150 available each month for discretionary spending.<sup>34</sup> She subsequently submitted a written personal budget indicating a monthly gross income of \$3,063, monthly expenses of \$2,944,<sup>35</sup> including taxes, home and daily living expenses, transportation, health, clothing, and retirement savings, leaving \$119 available for discretionary spending.<sup>36</sup>

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<sup>23</sup> Personal Subject Interview, *supra* note 11, at 1.

<sup>24</sup> *Id.*

<sup>25</sup> Tr. at 28.

<sup>26</sup> *Id.* at 44.

<sup>27</sup> *Id.* at 29.

<sup>28</sup> *Id.*

<sup>29</sup> Earnings Statements, various dates, attached to Government Exhibit 2, *supra* note 2.

<sup>30</sup> Tr. at 26.

<sup>31</sup> *Id.* at 20.

<sup>32</sup> *Id.* at 29-30.

<sup>33</sup> *Id.* at 21.

<sup>34</sup> *Id.*

<sup>35</sup> Applicant Exhibit F (Personal Budget, submitted October 5, 2010), at 1-2.

<sup>36</sup> *Id.* at 1-3.

Because of current unconfirmed neurological medical issues, for the past six months, Applicant has been undergoing medical testing, and the tests and procedures required that she take annual leave, but they have not prevented her from working.<sup>37</sup> No diagnosis has yet been made.<sup>38</sup> Applicant claims that because of the expenses associated with her medical issues which were not covered by her health insurance, she has been unable to address her delinquent accounts.<sup>39</sup>

The SOR identified ten purportedly continuing delinquencies as reflected by credit reports from 2009<sup>40</sup> and 2010<sup>41</sup> totaling approximately \$33,850. Some accounts listed in the credit reports have been transferred, reassigned, or sold to other creditors or collection agents. Other accounts are referenced repeatedly in these credit reports, in many instances duplicating other accounts listed, either under the same creditor name or under a different creditor 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. Some accounts reflect no account number.

The delinquent accounts include two student loans totaling \$28,654 (SOR ¶¶ 1.d. and 1.e.); one medical account in the amount of \$171 (SOR ¶ 1.h.); several credit or charge cards, and some other accounts. Applicant informally “disputed” the gas utility account in the amount of \$111 (SOR ¶ 1.a.) because there was no gas service at her residence.<sup>42</sup> Nevertheless, Applicant said all of the debts listed in the SOR “should be valid,” with the possible exception one account in the amount of \$245 (SOR ¶ 1.j.) which she believed to be a duplicate of another debt.<sup>43</sup> She added: “I owe these bills. They are my bills. I will take care of them, they will be paid.”<sup>44</sup>

Despite promises by Applicant to pay off the delinquent accounts, to date, she has not made any payments to the creditors.<sup>45</sup> As to the accounts listed in the SOR, based on the evidence before me, I conclude that no payments have been made to any of the delinquent accounts.

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<sup>37</sup> *Id.* at 19, 46.

<sup>38</sup> *Id.* at 46.

<sup>39</sup> *Id.* at 18-19, 44-45.

<sup>40</sup> Government Exhibit 5 (Combined Experian, TransUnion, and Equifax Credit Report, dated April 25, 2009); Government Exhibit 4 (Equifax Credit Report, dated August 5, 2009).

<sup>41</sup> Government Exhibit 3 (Equifax Credit Report, dated March 3, 2010).

<sup>42</sup> Personal Subject Interview, *supra* note 11, at 1.

<sup>43</sup> Tr. at 42-43.

<sup>44</sup> *Id.* at 47.

<sup>45</sup> *Id.* at 18.

## Character References and Work Performance

Two of Applicant's coworkers at her seasonal job (including one with whom she has maintained a personal relationship for two years) are familiar with her and characterize her in favorable terms. Applicant demonstrates ethics, reliability, and moral character, and is a hardworking person who is well respected.<sup>46</sup> Her performance evaluation reflects an individual who is generally outstanding or commendable, and who needs to improve her morning tardiness and oral communications.<sup>47</sup>

## 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."<sup>48</sup> 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."<sup>49</sup>

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."<sup>50</sup> The Government initially has the burden of producing evidence to establish

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<sup>46</sup> Applicant Exhibit B (Character Reference, dated October 4, 2010); Applicant Exhibit C (Character Reference, undated).

<sup>47</sup> Applicant Exhibit D, *supra* note 3, at 1-3.

<sup>48</sup> *Department of the Navy v. Egan*, 484 U.S. 518, 528 (1988).

<sup>49</sup> Exec. Or. 10865, *Safeguarding Classified Information within Industry* § 2 (Feb. 20, 1960), as amended and modified.

<sup>50</sup> "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,

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.<sup>51</sup>

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."<sup>52</sup>

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."<sup>53</sup> 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 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

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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 (4<sup>th</sup> Cir. 1994).

<sup>51</sup> See ISCR Case No. 02-31154 at 5 (App. Bd. Sep. 22, 2005).

<sup>52</sup> *Egan*, 484 U.S. at 531

<sup>53</sup> See Exec. Or. 10865 § 7.

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. As noted above, Applicant contends that there was nothing unusual about her finances until she was laid off in March 2009, and that she did not have any delinquencies, that she could recall. Her contention is not supported by the evidence, for several accounts were reported as delinquent, placed for collection, or charged off, in 2007, 2008, and early 2009. When she was laid off in 2009, her mortgage had been 30 days past due on six or more occasions, and her student loans were in collection. Although her periods of unemployment were relatively brief, she had insufficient funds to pay the monthly bills, Applicant’s accounts fell deeper into delinquency. The accounts remained delinquent and were placed for collection or charged off. They have remained in a delinquent status ever since because Applicant is addressing medical issues rather than financial ones. AG ¶¶ 19(a) and 19(c) 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.”<sup>54</sup> 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.”

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<sup>54</sup> 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 2007 and 2009, and have continued to the present day, although she joined her current employer in April 2009, over a year ago, and currently earns an annual salary of about \$36,756. She has generally remained gainfully employed throughout the entire period, with brief periods of unemployment. Applicant has acknowledged limited effective resolution of her delinquent accounts. Her failure to timely handle her bills has exacerbated her financial meltdown. Because she has multiple delinquent debts and her financial problems are continuing in nature, she receives minimal application of AG ¶ 20(a). Applicant's handling of her finances, under the circumstances, casts doubt on her current reliability, trustworthiness, or good judgment.

Likewise, she receives partial application of AG ¶ 20(b), for while she may have been unemployed for relatively brief periods, and is undergoing medical testing to identify her medical condition, there is little evidence that Applicant was substantially affected by circumstances beyond her control. Applicant failed to act responsibly under the circumstances. She failed to resolve her debts and failed to reduce her delinquencies.<sup>55</sup>

AG ¶ 20(c) does not apply because Applicant has never received financial counseling or debt consolidation guidance from a credit counselor.

AG ¶ 20(d) does not apply because, to date, Applicant made no proven effort to address her delinquent accounts. There is no documentary evidence to support Applicant's contentions that she ever contacted any of those creditors to try to make repayment arrangements. Instead, she talked about doing so, and promised to do so, but there is no documentary evidence that any creditors had agreed with her proposed plan or that any payments had, in fact, been made. Over the years, Applicant did not act aggressively, timely, or responsibly to resolve her delinquent debts.

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):

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<sup>55</sup> "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. She experienced several relatively brief periods of unemployment and has continuing health issues. After a lengthy period of inaction during which she did not address her creditors, according to Applicant, she initiated some efforts to address her accounts. After the hearing, she also prepared her written budget.

The disqualifying evidence under the whole-person concept is more substantial. While the brief unemployment and reduced earnings were circumstances beyond her control, Applicant either had no ability or no intention to pay her delinquent accounts. She did not make any payments to her creditors. Despite the passage of time, there is no documentation to support her contentions that she had contacted her creditors. Her long-standing failure to repay creditors, at least in reasonable amounts, or to arrange payment plans, reflects traits which raise concerns about her fitness to hold a security clearance.

I am mindful that 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.<sup>56</sup> Her insufficient good-faith efforts or documentary evidence to reflect actual payments to her SOR creditors are sufficient to raise continuing security concerns. See AG ¶ 2(a)(1) through AG ¶ 2(a)(9).

The Appeal Board has addressed a key element in the whole-person analysis in financial cases stating:<sup>57</sup>

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

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<sup>56</sup> 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).

<sup>57</sup> ISCR Case No. 07-06482 at 2-3 (App. Bd. May 21, 2008) (internal citations omitted).

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 proposed efforts to take corrective actions, and maintenance of accounts on her current daily living expenses, these steps are simply insufficient to show she can live within her means, satisfy debts, and meet financial obligations. 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 her 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
Subparagraph 1.i:	Against Applicant
Subparagraph 1.j:	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.

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ROBERT ROBINSON GALES  
Administrative Judge