



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



In the matter of: )  
)  
) ISCR Case No. 09-06202  
)  
Applicant for Security Clearance )

**Appearances**

For Government: Stephanie Hess, Esq., Department Counsel  
For Applicant: Benjamin Flam, Esq.

09/25/2013

**Decision**

MATCHINSKI, Elizabeth M., Administrative Judge:

Applicant is an information systems security manager (ISSM) who exercised very poor judgment during difficult and stressful domestic circumstances. In 2009, she used marijuana once while holding a Top Secret security clearance, and she was arrested on five occasions on charges varying from simple assault and stalking, to filing a false report with law enforcement, to negligent driving after she caused an accident. In September 2010, she was reprimanded by her employer for gaining authorized access to a computer system but through improper means. Financial concerns that arise because of delinquent debt are being appropriately addressed through repayment plans. Counseling has minimized the risk of recurrence of the personal conduct concerns, and the security violation was an isolated incident in 27 years of security compliance. Clearance continued.

**Statement of the Case**

On January 30, 2013, the Department of Defense Consolidated Adjudications Facility (DOD CAF) issued a Statement of Reasons (SOR) to Applicant, detailing the security concerns under Guideline E (Personal Conduct) and Guideline F (Financial

Considerations), and explaining why it was unable to find it clearly consistent with the national interest to grant or continue security clearance eligibility for her. The DOD CAF took the action under Executive Order 10865, *Safeguarding Classified Information within Industry* (February 20, 1960), as amended; Department of Defense (DOD) Directive 5220.6, *Defense Industrial Personnel Security Clearance Review Program* (January 2, 1992), as amended (Directive); and the adjudicative guidelines (AG) effective within the DOD on September 1, 2006.

On March 5, 2013, Applicant responded to the SOR allegations. She requested a hearing before an administrative judge from the Defense Office of Hearings and Appeals (DOHA). Department Counsel indicated on August 15, 2013, that the Government was ready to proceed to a hearing. On August 27, 2013, the case was assigned to me to conduct a hearing and determine whether or not it is clearly consistent with the national interest to continue Applicant's security eligibility. On August 28, 2013, I scheduled a hearing for September 25, 2013.

The hearing was held as scheduled on September 25, 2013. Twenty-two Government exhibits (GEs 1-22) were admitted into evidence, GE 12 over Applicant's objections.<sup>1</sup> Thirteen Applicant exhibits (AEs A-M) were admitted without objection. Applicant and two witnesses testified on her behalf, as reflected in a transcript (Tr.) received on October 4, 2013.

### **Summary of the Pleadings**

The SOR alleges under Guideline E that Applicant received a letter of reprimand from her employer for accessing a classified information system using another individual's login credentials in September 2010 (SOR 1.a). She is further alleged to have been arrested in December 2009 for driving under the influence (SOR 1.b); for stalking in July 2009 (SOR 1.c); for providing a false report to law enforcement in May 2009 (SOR 1.d); for simple assault, stalking, and obstructing report of a crime with injury in February 2009 (SOR 1.e); and for simple assault in January 2009 (SOR 1.f). Applicant is also alleged to have used marijuana on at least one occasion in January 2009 while holding a Top Secret clearance (SOR 1.g). She reportedly failed to notify her facility security officer (FSO) of her marijuana abuse and of her arrests in July 2009 and December 2009 (SOR 1.c and 1.b). Under Guideline F, Applicant is alleged to owe past-due debt totaling \$22,426 (SOR 2.a-2.i). Applicant provided a very detailed response in which she admitted the allegations with explanation.

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<sup>1</sup> GE 12 consisted of a chemical dependency treatment discharge summary and release forms completed by a licensed alcohol and drug counselor (LADC), whom Applicant consulted in December 2009. The discharge summary is admissible under the Directive. To the extent that Applicant argued about the prejudicial nature of the LADC's diagnosis, it goes to the weight to be afforded the diagnosis. No Guideline G concerns are alleged in the SOR.

## Findings of Fact

At her hearing, Applicant confirmed the accuracy of the information in her SOR response. (Tr. 33.) Applicant's admissions are accepted and incorporated as factual findings. After considering the pleadings, exhibits, and transcript, I make the following additional findings of fact.

Applicant is a high school graduate with 27 years of experience in defense-related security management. She has worked for her current defense contractor employer as an information systems security manager (ISSM) since June 2011. She previously worked for the company from October 2004 to June 2005.<sup>2</sup> (GE 1; AEs K, L; Tr. 36.) She holds a Top Secret security clearance, which she has held since 1986, and which was renewed most recently in July 2008. (GEs 1, 18; AE A; Tr. 35.)

Around October 1986, a few months after she graduated from high school, Applicant began working as a Facility Security Officer (FSO) and ISSM for a small defense contractor. (GE 1; AE A; Tr. 33.) In 1987, she married her now ex-husband. They had two sons, who are currently in their 20s. (GE 1.)

In December 2000, Applicant took a new job as an assistant security manager and ISSM with another defense contractor, where she worked on classified and special access programs. (Tr. 34.) Applicant gained knowledge and experience in industrial security as her career progressed with a succession of defense firms. By the mid-2000s, Applicant was also very active in an organization for security professionals. (AE A.)

## Personal Conduct

Applicant's success in her chosen field eventually proved to be source of marital discord. In June 2005, Applicant commenced employment as a business-level ISSM with a large defense contractor. She traveled frequently for her work. Applicant's spouse began to spend more time with his friends and eventually with a girlfriend. (Tr. 35-39.) Applicant and her spouse argued frequently, and on occasion, he physically abused her. (Tr. 39-40.) Applicant had an affair with one of her husband's friends (hereafter Mr. X), and in early 2008, she discovered she was pregnant by Mr. X. Applicant disclosed her pregnancy to her spouse, who promised to be supportive if she pretended the child was theirs. (Tr. 41.)

In April 2008, Applicant's father moved into Applicant's home. Her father was seriously ill and going through a divorce after 39 years of marriage to Applicant's mother. (Tr. 41-43.) In September 2008, Applicant gave birth to her and Mr. X's daughter. (GE 5; Tr. 72.) Applicant informed Mr. X of his paternity. He began to visit her home frequently and to drink regularly with her spouse. Both men physically and verbally abused Applicant, and she began losing control over her temper. (GE 11.)

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<sup>2</sup> The company that employed Applicant from December 2000 was acquired by Applicant's current employer around October 2004. Applicant stayed on in her position until June 2005. (GE 1.)

Around January 2009, Applicant's spouse invited Mr. X to move into the marital home.<sup>3</sup> Applicant was the primary income earner for the household. In January 2009, Applicant purchased some fitness clothing with the intent of working off the stress caused by her home situation and by the pending divorce of her parents. Applicant's spouse reacted angrily to her purchase, and an argument escalated into a fight also involving their older son. Applicant was arrested for misdemeanor assault after she scratched her son's neck. (GEs 11, 13; AE C; Tr. 57-59.)

The day after her arrest, Applicant went out to lunch with Mr. X to discuss their living situation. After they left the restaurant, she smoked some marijuana provided by him in an attempt to relax, although she claims she did not inhale. (GE 5; AE J; Tr. 96-97.) They continued to argue as she urged him to vacate her home. Feeling frustrated and trapped, she jumped from his vehicle while it was moving around 20 miles an hour. Applicant was brought to a local emergency room by the police. She was unable to ensure her safety, and she admitted herself to a hospital for treatment of diagnosed bipolar disorder, mixed, unspecified.<sup>4</sup> Applicant denied any substance abuse, although she reported drinking around three glasses of wine daily for the past few months to manage her anxiety. Four days later, Applicant was discharged on psychiatric medications, including a mood stabilizer, to live with her mother temporarily, and to follow up with outpatient medication management and counseling. (GE 11.) Applicant apparently reported her arrest and mental health treatment to her FSO. (GE 17.)

As of early February 2009, Applicant was covering all the household expenses as well as caring for her young daughter. Her spouse ran a machine shop out of their house, but he brought in little income. (Tr. 39.) Mr. X and Applicant's two sons were unemployed. Applicant had an incident with her older son after she became emotionally distraught over her living situation. She testified that she threw telephones outside after her son told her that he was going to contact the police. (Tr. 61.) She was arrested for simple assault, stalking her older son, criminal mischief, and obstructing report of a crime or injury. Ordered by the court to stay away from her home, Applicant and her infant daughter moved in with her mother until she could save enough to rent a townhome in late March 2009. (Tr. 49.)

On February 18, 2009, Applicant had an intake evaluation with an Employee Assistance Program (EAP) licensed mental health counselor (LMHC). (GEs 10, 15.) The LMHC diagnosed Applicant with bipolar disorder. At her first counseling session with the

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<sup>3</sup> Applicant described an incident of her spouse being verbally and physically abusive to her and so angry that he threw her terminally ill father out of their home at midnight. (Tr. 44.) She indicated that after her father was forced to vacate her home, her spouse allowed Mr. X to move in. (Tr. 47.) However, medical records of Applicant's mental health hospitalization from January 13-16, 2009, indicate that Applicant lived with her husband, three children, and her elderly father, and that her boyfriend just moved in. (GE 11.) It would appear that at some point in January 2009, Applicant had a household of seven persons before her father was forced out of the home.

<sup>4</sup> The SOR does not allege any psychological conditions concerns. Factual findings concerning Applicant's mental health are included to the extent that they provide context for her responses to her difficult domestic situation and her efforts to address the personal conduct issues through counseling and psychiatric medications. Applicant went to the hospital voluntarily. (Tr. 108.)

LMHC, Applicant reported that she was court-ordered to attend counseling once a week.<sup>5</sup> Applicant continued to attend counseling with the LMHC until May 20, 2011, to deal with her frustration with Mr. X and other family issues, including coping with the death of her father in July 2009. (GE 10; AE D.) Applicant saw a psychiatrist for medication management as well, but only through June 10, 2009. She was reportedly not compliant in that she had stopped seeing the psychiatrist and taking her medication on her own. (GE 7.)

Applicant was involved with Mr. X on and off during the first half of 2009. When he was not staying with a girlfriend, he stayed with Applicant in her townhouse. He did not pay Applicant any child support. (Tr. 63.) In late May 2009, Applicant and Mr. X were arguing in her car about custody of their daughter when, according to Applicant, Mr. X dragged her out of the car and struck her. Applicant was arrested for filing a false report to law enforcement. Applicant claims that she thought Mr. X had scratched her when she had been scratched while being dragged out of her car. (Tr. 64.) Other evidence indicates that the incident escalated when Applicant refused a police request to get out of her car, and she was then removed forcibly. (GE 15.) The charge was dismissed in October 2010. (GE 13.)

On May 19, 2009, Applicant was interviewed by an authorized investigator for the Office of Personnel Management (OPM), partially about her arrests in January 2009 and in February 2009. She admitted that during an altercation with her son in January 2009, she scratched him in the neck. She indicated that in February 2009, she took machine tools out of the house and threw them in the yard. Her husband called the police, and she was arrested for domestic disturbance. Applicant indicated that on March 4, 2009, the charges were continued without a finding for one year, to be dismissed at that time provided there was no further trouble. Applicant attributed the incidents to postpartum depression following the birth of her daughter and a more recent diagnosis of bipolar disorder. (GE 14.)

By June 2009, Applicant's spouse had vacated the marital residence, leaving her oldest son as the only inhabitant. Applicant moved back into the home, in violation of the restraining order. (Tr. 52-53, 106.) In early July 2009, Applicant became inconsolable about her domestic situation. She had been spending much of her free time caring for her terminally ill father, who was in and out of the hospital. (Tr. 44-45.) Applicant's older son was not sympathetic, and she threw a vase through the front window. Her son called the police, and she was arrested for stalking her son. (Tr. 64-66.) The charge was dismissed in October 2009 for lack of prosecution. (GE 13.) Applicant did not inform her employer of this arrest.

Applicant had ongoing issues with Mr. X during the second half of 2009, even though they were no longer living together. Around November 2009, she hit his car with her vehicle. (GE 10.)

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<sup>5</sup> In early March 2010, the January 2009 and February 2009 misdemeanor charges were dismissed on proof that she had attended counseling. (GE 13; AE C.)

In October 2009, Applicant was evaluated for substance abuse problems by a licensed alcohol and drug abuse counselor (LADC) per court order. The LADC, who administered an alcohol screening test, found no evidence that Applicant had a drinking problem as of his evaluation. (GE 6.)

In early December 2009, Applicant consumed alcohol while out to dinner with a male friend. En route home with her companion following, Applicant struck another vehicle at a red light. Applicant claims that she was reaching for her phone when the accident occurred. She went home to get her checkbook,<sup>6</sup> while her dinner companion stayed at the scene. Applicant returned to the scene after being contacted by the police, and she was arrested for misdemeanor driving under the influence of alcohol with excessive alcohol concentration. In June 2009, she was convicted of negligent driving, a motor vehicle violation, and fined \$310. (GE 13; Tr. 66-68.) Applicant did not report this arrest to her FSO. Applicant maintains that she did not report her July 2009 and December 2009 arrests because it did not occur to her to do so at the time:

I had so much going on in my life at that time and I just didn't think of it. And then I got a package in from DOHA asking me if I had ever been arrested and I wrote all those in there, so I figured that was my reporting.<sup>7</sup> (Tr. 69.)

At the advice of her lawyer, Applicant attended six sessions of counseling with a LADC from December 14-22, 2009, before withdrawing from the program prematurely. In the opinion of the LADC, Applicant was "very much in denial." She repeatedly denied any issues with alcohol and asserted that the domestic-related criminal charges were not her fault. Applicant indicated that she would address her issues with her LMHC, who reportedly agreed with her that she could control her drinking. (GE 12.) Applicant continues to

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<sup>6</sup> Applicant initially testified that about the incident as follows:

So these two African American gentlemen pulled up next to me in a van and they said she doesn't speak any English, we just called the cops. I said okay. So I went out and spoke with—I tried to speak with the woman as much as I could. I gave her my information and I said I'm going to go back to my house and get my checkbook, left my friend to stay there until I got back.

About why she left to get her checkbook, Applicant indicated it was to pay for the car because she "didn't want to get the insurances involved." (Tr. 67.) Yet, when I asked her about going to get her checkbook, Applicant testified that neither she, nor the woman whom she hit, had insurance coverage. Concerning how she knew the other woman was not covered by insurance if the victim did not speak English, Applicant testified, "She spoke very little English. I had to make it out. She wasn't supposed to be driving, she didn't have a license. They were going to arrest her as well. I think she was from Brazil." She supposedly then asked the woman if \$800 would be sufficient and the woman responded affirmatively. (Tr. 119.)

<sup>7</sup> Applicant was apparently referring to DOHA interrogatories that were sent to her around September 2010. See GE 13. Applicant was sent interrogatories around December 2009 where she was given the opportunity to review a summary of her May 2009 interview with the OPM investigator wherein she discussed her January 2009 and February 2009 arrests. On January 4, 2010, Applicant verified the accuracy of the summary, and she provided additional information indicating that she was in therapy for postpartum depression and mixed bipolar disorder brought on by recent events, such as her father's death. She did not mention her arrests in July 2009 or December 2009, although to be fair to Applicant, she was asked to add information "regarding the matters discussed during [her] interview." See GE 14.

maintain that the incident was caused not by drinking but rather by bad weather and her inattention to the road. She had consumed only two glasses of wine that evening. (GE 5; Tr. 68.)

Around early April 2010, Mr. X moved back in with Applicant. By the summer of 2010, Applicant's spouse had filed for divorce, and she was experiencing increased stress at work. (GE 10.) In mid-September 2010, while certifying a classified information system at work, Applicant and two other ISSMs improperly accessed several computer workstations through a system administrator account instead of obtaining their own privileged accounts to document their access into the system. Two systems administrators, both of whom had Secret clearances, logged in and then allowed the ISSMs to have unsupervised access through their accounts to certify the system while they moved on to configure other computer workstations. After being confronted by an information systems security officer (ISSO) about the practice, which had occurred on at least one previous occasion, Applicant and another ISSM told their security manager about the incident. Citing their requisite clearance and need-to-know, Applicant and the other ISSMs expressed belief that they were not violating security procedures under the National Industrial Security Program Operating Manual (NISPOM).<sup>8</sup> (Tr. 75-80.) During an independent investigation into the incident, it was determined that the practice that precipitated the violation was seen by many of the ISSOs and ISSMs to be a common occurrence. ISSMs were not given ROOT or Admin access to systems due to trust issues as well as to a misunderstanding of separation of duties. No classified information was accessed during the certification process. Nonetheless, the ISSMs, including Applicant, and a system administrator involved in the incident,<sup>9</sup> were all issued written reprimands for violating their security responsibilities under ¶ 8-103 of the NISPOM.<sup>10</sup> (GE 16.) Applicant now attributes the violation to working late, "probably not thinking clearly" until it was brought to their attention. She was focused

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<sup>8</sup> Applicant and the other ISSM admitted to their security manager that they used the administrator accounts unsupervised in an effort to complete the certification process. They indicated that they were not intentionally disregarding the requirements, and expressed their belief that they were not violating the NISPOM. See GE 16. However, Applicant's testimony about the incident suggests that she knew there was a problem with the practice: "I was in another large area of [program name omitted] and [the ISSO] came in and he told me what had occurred, and I said, okay, I said well, we're certifying the systems. And he said, [name of Applicant omitted], you don't understand, she's on it by herself and I said oh, [expletive omitted], we shouldn't be doing this." (Tr. 79.)

<sup>9</sup> The other systems administrator terminated employment for unrelated reasons. It was Applicant's first security violation within one year. (GE 16.) When explaining the incident to the DOD in August 2011, Applicant indicated that it was never the company's intent to forward its report to the Defense Security Service, but it was "inadvertently" forwarded by an assistant security officer. (GE 2.)

<sup>10</sup> Paragraph 8-103 of the NISPOM sets forth the responsibilities and duties of the ISSM. Under ¶ 8-103a, the ISSM is required to ensure the development, documentation, and presentation of information security (IS) security education, awareness, and training activities for facility management, IS personnel, users, and others, as appropriate. Under ¶ 8-103b, the ISSM establishes, documents, implements, and monitors the IS security program for the facility and ensures compliance with IS requirements. Under ¶ 8-103f(3), the ISSM is tasked with developing facility procedures to properly implement vendor supplied authentication (password, account names) features, or security-relevant features. Under ¶ 8-103i, the ISSM is to ensure that personnel are trained on the IS's prescribed security restrictions and safeguards before they are initially allowed to access a system.

on meeting the deadline rather than on the policy, and the systems administrators were “right there.” (Tr. 124-125.) Applicant was placed on a performance improvement plan, with which she disagreed. She became “the fall guy” for not performing a 100% inventory that should have been done by previous ISSMs. (Tr. 115-116.)

During a session with the LMHC in September 2010, Applicant discussed the need to be more aware of her stress levels. Applicant admitted that she had stopped taking any of her psychotropic medications. She was encouraged to return to her psychiatrist for a new evaluation (GE 10.) Yet, as of early October 2010, the LMHC opined for the DOD that Applicant did not have a condition that could impair her judgment, reliability, or ability to properly safeguard classified information. Applicant appeared to be “making positive choices regarding managing stress of [her] job and family obligations. (GE 9.) In May 2011, Applicant’s therapy ended with the LMHC. Applicant had shown the therapist an “awareness of being able to manage the stress in her life.” (AE D.)

In November 2010, Applicant was voluntarily evaluated by a mental health clinician on her complaints of anxiety. She entered into a therapeutic relationship, which included psychotropic medication management every two months, through at least August 2011, when Applicant reported feeling more relaxed because of her recent change in her employment closer to her home. (GE 4.)

Applicant and her spouse were divorced in July 2010. (Tr. 118.) Although her spouse was out of her life, she continued to have issues with Mr. X over custody of their daughter. After Mr. X threw some objects at her, Applicant obtained a domestic violence order of protection against him in December 2010. The order of protection was in effect for one year. Mr. X was also ordered to pay child support to Applicant for care of their daughter, with the amount to be determined on completion of required paperwork. (GE 5; AE B.) In January 2011, Applicant was granted primary physical custody of their daughter, and Mr. X was given visitation rights. (GE 5.)

In February 2011, Applicant underwent a substance abuse evaluation for the DOD by the same LADC who evaluated her for the court in November 2009. Applicant reported current consumption of one to two glasses of wine two to three times a week. Based on three interviews with Applicant; on interviews of two of her friends, who supported her claim of responsible drinking; and on the alcohol screening test that he previously administered to Applicant in October 2009, the LADC found no evidence of a current alcohol problem. (GE 6.)

In September 2012, Applicant was evaluated by a licensed psychologist for the DOD. Applicant was cooperative, focused, and stable throughout the evaluation. Based on the “near-absence” of psychiatric symptoms and no legal difficulties in the past three years, her stability during the evaluation, and her “sharp reduction of alcohol consumption,” Applicant was assessed as unlikely to “re-experience deterioration in stability and judgment likely to compromise her workplace performance or trustworthiness.” (GE 15.)



Applicant cohabited with Mr. X most recently from about June 2012 to June 2013. (Tr. 121.) She allowed him to move back in with her for her daughter's sake. Mr. X has been a good father. (Tr. 120.) Yet, she and Mr. X apparently did not get along. She blocked Mr. X from calling or texting her so that her contact with him is now primarily through email (Tr. 101.), although they see each other in connection with their daughter's visitation. (Tr. 113.)

Applicant currently lives with her two sons and her five-year-old daughter. (Tr. 38.) The older of her two sons is in the National Guard. He graduated from boot camp in February 2013. (Tr. 110-111.) Applicant's younger son works as a bartender. (Tr. 38, 111.) Applicant is in a dating relationship with a policeman. (Tr. 113.) Applicant was not asked any details about this relationship.

Applicant no longer takes any psychiatric medications on a regular basis. She has a prescription for small amounts of Klonopin if needed to deal with anxiety from public speaking. (Tr. 108-109.) Applicant has not used any illegal drugs beyond the single episode in January 2009 with Mr. X, which she describes as a period of "personal crisis." (GE 5; AE J.) On August 16, 2013, Applicant executed a statement of intent to refrain from all illegal drug use in the future with automatic revocation of her security clearance for any violation. (AE J; Tr. 99-100.)

## **Financial**

When Applicant applied for renewal of her Top Secret clearance in March 2008 for her duties as ISSM with a previous employer, she disclosed that two liens had been filed against her, but had since been paid, for credit card debt of \$6,000 and \$13,000. She was working to satisfy a third credit card debt.<sup>11</sup> They were late on their payments on the debts because her spouse's business was slow. (GE 1.)

Applicant's financial situation deteriorated around 2009. Because of the restraining order entered against her after her February 2009 arrest, Applicant rented a townhouse in March 2009 at \$1,800 a month. (Tr. 49-50.) Around May or June 2009, her spouse informed her that he was behind in the mortgage on their marital home. (Tr. 50.) To avoid foreclosure of the mortgage, Applicant paid about \$10,000 to catch up on their mortgage. She also spent another \$3,000 to buy a new furnace and hot water heater for the home and \$900 to pay some of the household bills (cable and utilities). (Tr. 50-52.)

Around late September 2010, DOHA asked Applicant to provide the current status about several past-due debts on her credit record: a \$1,773 tax lien from April 2004; two medical debts in collection of \$135 and \$355; a consumer credit debt of \$960 (SOR 2.i); a credit card account with a home improvement retailer with a collection balance of \$8,604 (SOR 2.b); a \$1,953 charged-off loan balance (SOR 2.d); two defaulted student loans of

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<sup>11</sup> Applicant indicated in response to question 27c regarding any liens in the last seven years that she was working to pay a \$5,000 credit card debt from January 2006. In response to 28a (debts over 180 days delinquent in the last seven years) and 28b (debts currently over 90 days delinquent), she listed a \$9,000 credit card debt with the same lender on which she and her spouse were arranging repayment.

\$678 (SOR 2.g) and \$9,198 (SOR 2.h); and a \$9,380 charged-off automobile loan balance. Applicant provided documentation showing payment of the 2004 lien debt in late January 2005, and settlement of the auto loan debt for a lump sum payment of \$2,857.75 in October 2010.<sup>12</sup> Also, the creditor holding the debt identified in SOR 2.d had agreed to settle her debt balance, then at \$2,580.86, for \$903.30, payable in six installments of \$150.55 between October 2010 and March 2011. Applicant had arranged to make monthly payments of \$50 and \$35 on the medical debts, and had paid \$50 to a hospital on October 19, 2010. Repayment arrangements were also made for \$115 monthly payments on her defaulted student loans, and she made a \$115 payment on October 21, 2010. Applicant indicated that the consumer credit debt in SOR 2.i had been paid in full, although she provided proof only of a \$300 payment on October 6, 2010. She disputed the home improvement debt (SOR 2.b), as she believed it had been paid. Applicant's monthly take-home wages totaled \$4,305, and her two sons contributed \$200 to the household. Applicant estimated monthly expenses of \$3,149. Of her \$1,156 in disposable income per month, Applicant was paying \$301.85 to the escrow balance on her mortgage. (GE 13.)

As of January 2011, Equifax Information Services had updated its records to show the settlement of the auto loan, the satisfaction of the \$135 medical debt, and payment on the \$355 medical debt to reduce its balance to \$291. The lien was still on her credit record with payment status not listed, while Applicant reportedly still owed \$8,736 on the disputed account in SOR 2.b, \$1,953 on the debt in SOR 2.d; \$960 on the debt in SOR 2.i; and defaulted student loan debt of \$651 and \$8,831 (SOR 2.g and 2.h). A student loan of \$18,000, on which she cosigned for her son in August 2006, had a balance of \$26,778. That account was current but had been late as recently as September 2010. (GE 21.)

As of July 2011, Applicant had paid off the \$355 medical debt. (GEs 20, 21.) In August 2011, Applicant opened a credit card account with a \$300 limit. Around November 2011, Applicant began falling behind on the mortgage payments. Also, a \$75 medical debt from July 2007 was placed for collection (SOR 2.a) in November 2011. (GE 20.) Applicant made little effort to repay the debts in the SOR because she was focused on repaying money borrowed from others. She also asserts that she did not know about the bad debts on her credit record before she received the SOR. (Tr. 109-110.)

By October 2012, Applicant had paid off the debt in SOR 2.g, and also the debt in 2.i, which was no longer on her credit record. (GE 20; AE I.) Yet, she owed \$95 in medical debt in collection and delinquent credit balances of \$8,371 on SOR 2.b, \$709 on SOR 2.c, and \$1,953 on SOR 2.d. Her student loan in SOR 2.h was \$1,336 past due on a \$9,304 balance. Her son's student loan, on which she was a cosigner, was past due \$2,181 on a \$29,154 balance. No payments had been made on the accounts in the past year. Applicant's home loan was past due \$20,460 due to nonpayment since October 2011. (GE 20.)

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<sup>12</sup> The offer of settlement was for \$2,957.75. Applicant paid \$100 on October 6, 2010, and \$2,875 on October 28, 2010. (GE 13.)

As of the issuance of the SOR in late January 2013, Applicant had not resolved some of her delinquent accounts. She has since satisfied in full or is making payments on her remaining debt, as shown in the following table.

Debt in SOR	Delinquency history	Payment status as of Sep. 2013
2.a \$95 medical debt in collection	Debt from Jul. 2007; \$75 for collection Nov. 2011 (GEs 19, 20.); \$95 balance Oct. 2012. (GE 19.)	Paid in full by Mar. 2013. (AE E.)
2.b \$6,670 revolving charge debt in collection	Last activity Oct. 2006; \$6,670 high credit for collection Aug. 2008; \$8,736 balance as of Jan. 2011 (GE 21.); \$8,371 collection balance as of Oct. 2012 (GE 20.); unpaid as of Jul. 2013. (GE 19; AE F.)	Around Mar. 2013, arranged to repay debt at \$100 per month starting Apr. 2013; paid \$100 to reduce balance to \$8,295 as of Apr. 2013 (AE F; Tr. 84-85.)
2.c \$709 wireless telephone debt in collection	Co-signed for son's phone in May 2006 (Tr. 87.); last activity Jul. 2006; \$709 high credit in collection as of Sep. 2012 (GE 20.); \$756.86 balance as of Mar. 2013. (AE G.)	Authorized payments of \$80 per month starting Mar. 21, 2013. (AE G; Tr. 87-88.)
2.d \$1,953 charged-off loan	Opened Jun. 2006; \$3,499 high credit; last activity Oct. 2008; \$1,953 past-due balance as of Dec. 2010 (GE 21.); charged off as of Sep. 2012 (GE 20.); debt sold as of Jun. 2013. (GE 19.); \$2,879.50 balance as of Apr. 2013. (AE H.)	Creditor agreed to settle for \$903.30 Oct. 2010 in six installment payments of \$150.55 Oct. 2010-Mar. 2011 (GE 13.); payments not debited by creditor (GE 5.); authorized payments of \$50 monthly starting Apr. 21, 2013. (AE H; Tr. 89.)
2.e \$2,181 over 120 days past due student loan	Co-signed on \$18,000 loan for older son Aug. 2006 (Tr. 91-92.); \$2,181 past due 120 days with \$29,154 balance Sep. 2012 (GE 20.); \$26,778 current balance as of Dec. 2012 (GE 21.); late in early 2013; brought current; \$27,920 balance as of Jul. 2013. (GE 19.)	Son addressing debt with help of U.S. military. (Tr. 92.)
2.f \$1,336 over 120 days past due student loan	\$6,625 student loan opened Apr. 2007; last activity Jul.	Paid \$115 per month Oct. 21, 2010-Mar. 2011 (GEs 5,

	2008; claim filed with government; \$7,675 balance for collection; \$8,831 balance Dec. 2010 (GE 21.); \$9,325 balance transferred Mar. 2011; last activity Aug. 2011; \$1,336 past due on \$9,304 balance as of Sep. 2012 (GE 20.); \$9,754 balance as of Jun. 2013. (GE 19.)	13.); no proof of any payments Aug. 2011-Apr. 2013 (GE 19.); payment plan as of Sep. 2013. (Tr. 93.)
2.g \$651 student loan in collection	\$875 student loan opened Aug. 2007; last activity Jul. 2008; claim filed with government; \$565 for collection; \$651 collection balance Dec. 2010. (GE 21.)	Consolidated with SOR 2.f
2.h \$8,831 student loan in collection	Same debt as SOR 2.f.	
2.i. \$960 consumer loan balance in collection	Account opened Dec. 2006; last activity Apr. 2007 (GE 20); \$960 for collection Oct. 2008 (GE 21.)	Paid \$300 on Oct. 6, 2010 (GE 13.); satisfied before Mar. 2013. (AE I.)

Applicant is currently living within her means. (Tr. 82.) Her August 2013 credit report shows that she had made timely payments for the most part on her \$300 limit credit card account, which had a balance of \$266. Her mortgage had been modified and was current as of May 2013, although it had been 120 days past due as recently as April 2012. (GE 19.)

### Character References

Applicant was hired by her current employer in June 2011 as the ISSM for one of their facilities. The company's FSO credits Applicant with the facility receiving a superior rating with very few information technology vulnerabilities during a DSS facility assessment in November 2012. The FSO has no knowledge of any incidents where Applicant has been less than upfront and honest with her since Applicant began her employment in 2011. In the FSO's opinion, Applicant is not a risk to national security. (AE K.)

Applicant's direct supervisor, the director of security for information technology at the facility, considers her ISSM position as one of the most critical in their department. As ISSM, Applicant is responsible for the certification, configuration management, and weekly security audits on all classified systems under her area of responsibility. As evidence of Applicant's outstanding performance, the director cites the commendable rating received from the DSS in December 2011 and the superior rating in November 2012. In terms of job knowledge, understanding of government security requirements, and customer relations,

he regards Applicant's performance as "second to none." Applicant's supervisor, who "understands the predicament concerning [Applicant's] security clearance and the events that lead the government to this decision," has witnessed nothing in her character since she has worked for him which would indicate that she is a threat to national security. (AE L: Tr. 132-137.)

A company security manager, who worked with her four of the 13 years of their acquaintance, has witnessed Applicant's compliance with DOD regulations and policies. In his opinion, Applicant is well aware of her reporting requirements and of her responsibility to protect classified information. In recommending continuation of Applicant's security clearance, this co-worker indicates that he knows of "some personal problems" that Applicant experienced "several years ago." (AE L.)

An ISSO, who works for Applicant's employer at a different facility, met Applicant in 2004 through their outside involvement in a professional organization. She attests to Applicant's reputation in their field for being a leader and mentor. Aware that Applicant made "bad choices" in 2009 while dealing with family issues, this ISSO indicates that Applicant made "a conscious effort to right those wrongs" since then. (AE M.) This ISSO also worked for Applicant's previous employer, although she was not in the field in 2009 and 2010. (Tr. 151.) About Applicant's September 2010 security violation, the ISSM testified that it was "normal practice" at the company for systems administrators to log in, for the ISSMs then to check the policies and to log out before going on to the next computer. The systems administrators were with the ISSM as they went down the line so they were never left alone. The security manager regarded it as a prohibited practice even though other facilities were doing it. (Tr. 149-150.) This ISSM believes Applicant's clearance should be continued. (Tr. 143.)

Continuation of Applicant's security clearance eligibility is also endorsed by a retired master sergeant, who is familiar with her work since February 2006. He worked with her at her previous employer, and he has been working for her current employer at a different facility since June 2011. He considers it "absurd" that Applicant could lose her security clearance. She had "one stressful year dealing with a very ugly divorce that [he believes] contributed to some poor judgment, which [Applicant] truly regrets." (AE L.)

## **Policies**

The U.S. Supreme Court has recognized the substantial discretion the Executive Branch has in regulating access to information pertaining to national security, emphasizing that "no one has a 'right' to a security clearance." *Department of the Navy v. Egan*, 484 U.S. 518, 528 (1988). When evaluating an applicant's suitability for a security clearance, the administrative judge must consider the adjudicative guidelines. In addition to brief introductory explanations for each guideline, the adjudicative guidelines list potentially disqualifying conditions and mitigating conditions, which are required to be considered 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 overall 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. Under Directive ¶ E3.1.14, the Government must present evidence to establish controverted facts alleged in the SOR. Under Directive ¶ E3.1.15, the applicant is responsible for presenting "witnesses and other evidence to rebut, explain, extenuate, or mitigate facts admitted by applicant or proven by Department Counsel. . . ." The applicant has the ultimate burden of persuasion to obtain a favorable security decision.

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

## **Analysis**

### **Guideline E, Personal Conduct**

The security concern for personal conduct is set out in AG ¶ 15:

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

Applicant repeatedly exercised questionable judgment from 2008-2009 while her marriage was deteriorating, as shown by her arrest record detailed above. All charges but for the December 2009 negligent driving were dismissed, although the evidence shows that she scratched her son during a physical altercation in January 2009. In February 2009, she

either threw telephones (Tr. 49) or machine tools (GE 14) in her yard during an argument with her older son in February 2009. About the May 2009 incident, Applicant indicates that she was physically struck by her daughter's father and dragged out of the car, but she was also charged with filing a false report to law enforcement, apparently after telling the police that Mr. X scratched her. In July 2009, she was charged with stalking her older son after she threw a vase through a window. She demonstrated a disregard of law, rules, or regulations by moving back into the marital home, in knowing violation of a court order. Concerning the accident in December 2009, security significant Guideline E concerns are raised because she left the scene of an accident involving property damage, despite knowing that the police had been called. Furthermore, she violated her security clearance responsibilities. In January 2009, she smoked marijuana while possessing a Top Secret clearance; she failed to timely report her July 2009 and December 2009 arrests; and in September 2010, she violated security protocol by accessing computer workstations through the login credentials of a systems administrator. Even though it may have been common practice for ISSMs to "drive" computers logged in by systems administrators, Applicant knew that the practice was improper, if not a clear violation of her security responsibilities under the NISPOM. Disqualifying condition AG ¶ 16(c) applies:

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

Applicant has not engaged in any of the conduct of alleged personal conduct concern since 2010. Applicant's marijuana abuse is aggravated by the fact that she held a security clearance at the time, but it occurred only once. Her September 2010 security violation appears to be an aberration in an otherwise unblemished record of security compliance for some 27 years. Concerning the risk of further domestic assault or stalking incidents, Applicant is apparently on good terms with her older son now, and she and her ex-husband have been divorced since July 2010. Even so, AG ¶ 17(c), "the offense was so minor, or so much time has passed, or the behavior is so infrequent, or it happened under such unique circumstances that it is unlikely to recur and does not cast doubt on the individual's reliability, trustworthiness, or good judgment," does not completely mitigate the security concerns. Applicant reportedly suffered physical and verbal abuse at the hands of Mr. X, her daughter's father. He used illegal drugs (Tr. 96.) and was involved in her drug use in January 2009. After arguing with him over custody of their daughter in January 2009, she jumped from his moving vehicle. In the May 2009 incident, Applicant claims that Mr. X struck her and dragged her from her car. Although not alleged in the SOR, she admitted during a therapy session in November 2009 that she had hit Mr. X's car with her vehicle. Yet, she allowed him to move back in with her in April 2010. In December 2010, she obtained a one-year order of protection against him after he threw some objects at her. Despite this troubled relationship, they were again cohabiting from June 2012 to June 2013, reportedly for their daughter's sake. While there is no evidence of any recent incidents between them that involved the police being called, there is some indication that

their relationship was still discordant. Applicant has blocked him from being able to telephone or text her. They presently have contact only by email or in person to pick up or drop off their daughter. (Tr. 101.)

In Applicant's favor, she obtained counseling to deal with family and work stress. After she jumped from Mr. X's moving vehicle in January 2009, she was taken to a local emergency room by police. She then voluntarily admitted herself for mental health treatment at a local hospital. Aftercare recommendations included outpatient psychotropic medication management and counseling. Possible concerns about her unilateral termination of her treatment with the psychiatrist are alleviated by the fact that she continued in her therapeutic relationship with the LMHC from February 2009 until May 2011. Her therapy ended because she had exhibited an "awareness of being able to manage the stress in her life." Professional evaluations for substance abuse in February 2011 and for mental health issues in September 2012 show no ongoing concerns about Applicant's judgment or trustworthiness. The absence of any recent police involvement during her latest cohabitation with her daughter's father is evidence of an improved ability to manage family stress. AG ¶ 17(d) and AG ¶ 17(e) are pertinent in that Applicant has acknowledged the mental health issues, and positively dealt with the issues that led to much of her inappropriate conduct with family members and her daughter's father in 2009. AG ¶ 17(d) and AG ¶ 17(e) provide as follows:

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

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

Some concerns arise about whether Applicant is minimizing her culpability. Concerning her marijuana use, she thought smoking the marijuana would help her, but she asserts that she didn't inhale. To her credit, she informed the Government about her marijuana use. About her failure to inform her security manager about her July 2009 and December 2009 arrests, Applicant testified that she had so much going on in her life at that time that she did not think about it. The death of her father shortly after her arrest in July 2009 could reasonably distract her, and the charge was not prosecuted. About her arrest for DUI in December 2009, Applicant has not provided a credible explanation for her failure to report the incident before November 2010, when, in response to DOHA alcohol interrogatories, Applicant indicated that she joined an alcohol counseling group due to her accident on December 2, 2009, for the court to be lenient in regard to her case. (GE 8.) She provided no other detail about the incident, although she is credited with alerting DOHA of a December 2009 legal matter. In March 2011, in response to new interrogatories from DOHA in which she was confronted about her arrests in July 2009 and December 2009, Applicant admitted that she had not reported the July 2009 and December 2009 arrests to her FSO, but she had "reported the events directly to DOHA." Assuming she believed that her reporting responsibilities were fulfilled by a report to DOHA, there is no



indication that she told DOHA about her July 2009 arrest before March 2011. AG ¶ 17(a), “the individual made prompt, good-faith efforts to correct the omission, concealment, or falsification before being confronted with the facts,” does not apply. However, she has minimized any concerns of vulnerability under AG ¶ 17(g) by executing appropriate releases and providing documentation to DOHA about the personal conduct issues.

Applicant suffered physical and verbal abuse at the hands of her ex-husband and Mr. X while dealing with the stress of caring for her terminally ill father and being the sole financial provider for her family. At the same time, she bears some responsibility for her own unreliable behavior. She is now four years removed from much of the domestic stress caused in part or exacerbated by her poor judgment. Applicant has not possessed or used any illegal drugs beyond the single episode in January 2009 with Mr. X, during a period of “personal crisis.” On August 16, 2013, Applicant executed a statement of intent to refrain from all illegal drug use in the future with automatic revocation of her security clearance for any violation. Mental health and substance abuse professionals have expressed no concerns about her present judgment and reliability. About Applicant’s security violation, the company’s internal investigation revealed it was common practice among ISSMs at the company. While neither work demands nor the fact that others were engaged in the same practice can justify any shortcuts in security procedure, Applicant has otherwise executed good judgment with regard to information technology security. Whatever the reason for the delay in the issuance of the SOR in this case, Applicant has benefitted from the passage of time to prove that with counseling and stabilization of her home life, those issues are safely behind her. The personal conduct concerns are mitigated.

## **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 overextended is at risk of having to engage in illegal acts to generate funds.

Applicant began to struggle financially around the same time as her marriage was breaking down. Her spouse, who operated a machine shop outside the home, brought in little to no income. Applicant paid one credit card account for less than its full balance in February 2008. In April 2008, she paid off another credit card debt after it had been charged off. She defaulted on her student loans in 2008 (SOR 2.f and 2.g/2.h), and an aggregate balance around \$8,240 was referred for collection. In August 2008, her revolving charge account with a home improvement retailer was placed for collection with a past-due balance of \$6,670 (SOR 2.b). After July 2006, her son stopped paying for wireless telephone services (SOR 2.c) on an account that she had guaranteed in May 2006. A loan taken out in June 2006 (SOR 2.d) was \$1,953 past due as of December 2010 due to nonpayment after October 2008. She had stopped paying on another consumer loan in

April 2007, and a \$960 balance was placed for collection in October 2008 (SOR 2.i). Three smaller medical debts, including the debt in SOR 2.a, were referred for collection between May 2009 and November 2011. Student loan debt of \$18,000 (SOR 2.e), on which she was a co-signer for her older son, was over 120 days past due as of September 2012. The evidence also shows a history of late payments on the family mortgage while she was living separately from her spouse, who failed to pay the mortgage in 2009. However, her mortgage was also 120 days past due as recently as April 2012. While her record of delinquent payments on the mortgage in 2012 cannot provide a separate basis for disqualification because they were not alleged, it shows that Applicant's financial problems were more extensive than the SOR indicates.<sup>13</sup> AG ¶ 19(a), "inability or unwillingness to satisfy debts," and AG ¶ 19(c), "a history of not meeting financial obligations," are established.

Applicant has the burden of mitigating the financial concerns. AG ¶ 20(a), "the behavior happened so long ago, was so infrequent, or occurred under such circumstances that it is unlikely to recur and does not cast doubt on the individual's current reliability, trustworthiness, or good judgment," cannot reasonably apply. While Applicant's finances were negatively impacted by her spouse's low income during her marriage, several of her accounts were in collection with no payment plans in place as of January 2013.

AG ¶ 20(b), "the conditions that resulted in the financial problem were largely beyond the person's control (e.g., loss of employment, a business downturn, unexpected medical emergency, or a death, divorce or separation), and the individual acted responsibly under the circumstances," has some applicability. The lack of spousal income in 2008 and 2009 was not within her control. She suffered from anxiety and other mental health problems due to her personal and marital situation. As a result, she made poor choices that negatively affected her finances. She incurred the financial burden of the townhouse from March 2009 to June 2009 because she was prohibited by protective order from remaining in the marital home after her arrest in February 2009. AG ¶ 20(b) applies because she had to spend around \$10,000 to catch up on the mortgage and on other household bills that her spouse should have paid when Applicant was living in the townhouse.

AG ¶ 20(c), "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," and AG ¶ 20(d), "the individual initiated a good-faith effort to repay overdue creditors or otherwise resolve debts," address efforts to resolve financial problems. Applicant testified that she was largely unaware of the debt balances in her name because she did not check her credit until after she received the SOR. She was also focused on repaying loans

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<sup>13</sup> The DOHA Appeal Board has long held that the administrative judge may consider non-alleged conduct to assess an applicant's credibility; to evaluate an applicant's evidence of extenuation, mitigation, or changed circumstances; to consider whether an applicant has demonstrated successful rehabilitation; to decide whether a particular provision of the Adjudicative Guidelines is applicable; or to provide evidence for a whole-person analysis under Directive Section 6.3. See, e.g., ISCR Case No. 02-07218 (App. Bd. Mar. 15, 2004); ISCR Case No. 03-20327 (App. Bd. Oct. 26, 2006); ISCR Case No. 09-07219 (App. Bd. Sep. 27, 2012).

borrowed from others. (Tr. 109.) The evidence shows that Applicant settled some \$15,000 in credit card debt around the time that she applied to renew her Top Secret clearance in 2008. As of early October 2010, Applicant was placed on notice by DOHA of the tax lien (which was satisfied in 2005), six debts in collection (two medical debts, two student loans, and two consumer credit card debts) and two charged-off debts (2.d and a \$9,380 auto loan). So, Applicant knew well before the SOR that she owed delinquent debt. However, the evidence shows that she paid off the medical debts in December 2010 and July 2011, respectively. She began repaying the debt in SOR 2.i in October 2010, and she satisfied the debt sometime before March 2013. Applicant paid \$115 per month from at least October 2010 to March 2013 on her defaulted student loans (SOR 2.f and 2.g). AG ¶ 20(c) and AG ¶ 20(d) apply because of those payments. While she authorized debits from her account to pay the loan debt in SOR 2.d, those withdrawals were not made, and Applicant neglected her responsibility to ensure that her account was debited.

It is unclear whether Applicant knew that her son had defaulted on the payments for his cell phone and student loans. After she received the SOR, she satisfied the \$95 medical debt in SOR 2.a. She arranged to make monthly payments of \$80 toward the wireless phone debt (SOR 2.c); \$100 to the \$8,371 home improvement charge debt (SOR 2.b); and \$50 on the charged-off loan debt of \$2,879 (SOR 2.d). Applicant presented documentation of only the initial monthly payments toward those debts currently in repayment plans. While her case would have been aided in mitigation had she provided proof of subsequent payments, I accept her assertion that those repayment plans are still in place. It is unclear whether Applicant made any payments on her student loan debt between August 2011 and April 2013, but her student loans were transferred in June 2013. Her latest available credit report, dated August 2013, does not reflect an amount past due. The collection agency reporting an \$8,395 balance on SOR 2.b indicates last activity of October 2006, but Applicant presented evidence of a \$100 payment to reduce the balance to \$8,254 as of April 2013. Her son's student loan in SOR 2.e was reportedly rated as current as of July 2013.

Nothing in the Directive requires that Applicant completely pay off all her past-due debts to be eligible for a security clearance. Nonetheless, her overall debt burden must be considered in determining whether her finances are sufficiently stable to ensure that she can continue to address her old delinquencies without falling behind in her current debt obligations and living expenses. Applicant was chronically late in paying her mortgage in 2012, but the loan has been modified and was brought current around January 2013. She has only one open credit card account, which has a limit of \$300. Latest information available shows a current balance on the account of \$266. (GE 19.) Applicant has made some progress toward reducing her delinquent debt to where she can reasonably be counted on to continue to address her debts. While it would have been helpful to have a recent accounting of her living expenses, she is not likely to ignore her legitimate financial obligations and possibly jeopardize her security clearance and the employment that she needs to support herself and five-year-old daughter.

## Whole-Person Concept

Under the whole-person concept, the administrative judge must consider the totality of an applicant's conduct and all relevant circumstances in light of the nine adjudicative process factors in AG ¶ 2(a).<sup>14</sup>

Applicant has 27 years of compliance with her security responsibilities, with the very limited exceptions discussed above. Since Applicant rejoined her current employer in June 2011, she has exhibited competence and dedication to her duties. Her FSO and her supervisor attest to the improvement in the information technology department's security posture since Applicant was hired. While the Government was clearly justified in scrutinizing Applicant's security clearance eligibility in light of the incidents cited in the SOR, Applicant's life has stabilized sufficiently to where mental health and substance abuse professionals have no concerns about possible recurrence. Financial issues that are still outstanding do not rise to the level of concern to revoke her security clearance. She is taking credible steps to resolve her debts. On balance, I find that it is clearly consistent with the national interest to continue Applicant's security clearance.

## 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 E:	FOR APPLICANT
Subparagraphs 1.a-1.g:	For Applicant
Paragraph 2, Guideline F:	FOR APPLICANT
Subparagraphs 2.a-2.i:	For Applicant

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<sup>14</sup>The factors under AG ¶ 2(a) are as follows:

(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.

## **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 or continue Applicant's eligibility for a security clearance. Eligibility for access to classified information is granted.

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Elizabeth M. Matchinski  
Administrative Judge