



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



In the matter of:)
)
) ISCR Case No. 10-00046
)
)
Applicant for Security Clearance)

Appearances

For Government: Alison O'Connell, Esq., Department Counsel
For Applicant: *Pro se*

07/11/2013

Decision

MASON, Paul J., Administrative Judge:

In 1997, Applicant filed a Chapter 13 bankruptcy petition because his car was repossessed and he owed the Internal Revenue Service (IRS) a large sum of money. He dismissed the petition and claimed he repaid the creditors. Following his divorce from his second wife in March 2007, he had a car accident and had to purchase a new car in June 2007, while reestablishing a lifestyle living by himself. Though Applicant hired a debt consolidation firm in November 2010 to resolve his current financial problems, only a handful of debts have been resolved. Three listed debts were not satisfied until after the hearing. Applicant has provided insufficient evidence in mitigation to meet his burden under the financial and personal conduct guidelines. Eligibility for access to classified information is denied.

Statement of the Case

Applicant completed and signed an Electronic Questionnaire for Investigations Processing (e-QIP), Government's Exhibit (GE) 1, on July 7, 2009. He was interviewed by an investigator from the Office of Personnel Management (OPM) on September 23, 2009. The interview summary appears in Applicant's interrogatory answers, dated November 17, 2010. (GE 3) Under question #3 of the exhibit, Applicant first checked "yes," then checked "no," that the OPM investigator's summary was not accurate. (GE 3 at 331).¹ Applicant noted under question #4 that an unauthorized absence occurred while he was stationed at another military installation rather than the one identified in the summary. Under question #5, Applicant indicated "n/a," that he had no additional information to add to the summary. (GE 3 at 331). On the page above his signature, Applicant inserted his initials "SY" to indicate he agreed his interrogatory responses and the summary could be admitted in evidence to determine his security suitability. (GE 3 at 332)

On November 15, 2012, the Department of Defense (DOD) issued a Statement of Reasons (SOR) detailing security concerns under financial considerations (Guideline F) and personal conduct (Guideline E). The action was taken pursuant to Executive Order 10865, *Safeguarding Classified Information within Industry* (February 20, 1960), as amended; Department of Defense Directive 5220.6, *Defense Industrial Personnel Security Clearance Review Program* (January 2, 1992), as amended (Directive), and the adjudicative guidelines (AG) implemented by the Department of Defense on September 1, 2006.

Applicant's answer to the SOR was notarized on December 18, 2012. The Defense Office of Hearings and Appeals (DOHA) issued a notice of hearing on April 5, 2013, for a hearing on April 17, 2013. The hearing was held as scheduled. Eleven Government exhibits (GE 1-GE 11) and one Applicant's exhibit (AE A) were admitted in evidence without objection. On May 2, 2013, Applicant timely submitted six additional post-hearing exhibits (AE B-AE G) that were admitted without objection. The transcript was received April 25, 2013. The record closed May 2, 2013.

Rulings on Procedure

During the hearing, Department Counsel withdrew the SOR 2.a allegation. The allegation is resolved in Applicant's favor. However, the underlying circumstances leading to the filing of a Chapter 13 bankruptcy petition in September 1997, and its dismissal in August 2000 for noncompliance, is still relevant under the financial considerations guideline. (GE 4)

¹ The page numbers are handwritten and appear in the lower right hand corner of the exhibit.

Findings of Fact

The SOR alleges financial considerations and personal conduct. Applicant admitted all factual allegations under SOR 1 and SOR 2, except for SOR 2.a, 2.r and 2.t. In addition to his admissions, I make the following factual findings.

Applicant is 50 years old and divorced his second wife in March 2007. He has four children from his former wives and another relationship. He is still providing support for his 19-year-old son. Applicant served in the U.S. Marine Corps from March 1982 until his honorable discharge in March 2002. Though he testified he was unemployed for 2½ months following his military discharge, his e-QIP reflects he was hired in March 2002 as a contract security officer for another government agency. He has neither a criminal record nor a drug and alcohol history. (GE 1 at 24; Tr. 39)

Though SOR 2.a was withdrawn by the Government, Applicant testified he filed a Chapter 13 bankruptcy petition in September 1997 because his car was repossessed and he owed the Internal Revenue Service (IRS) approximately \$4,000. The petition was dismissed in October 2000 for noncompliance. Applicant admitted he stopped payments under the Chapter 13 plan. He told the OPM investigator that his wife convinced him to dismiss the petition. Then, he claimed they paid the debts listed. (GE 11 at 190; Tr. 41) See *also* GE 4.

Applicant encountered financial problems after his divorce in March 2007. Rather than contest the property he and his former wife had collected during the marriage, or disturb his daughter's lifestyle, he decided to rebuild his life elsewhere. He slowly began furnishing an apartment. His plans to start anew were negatively affected when he had a car accident in June 2007. Apparently the car was destroyed in the accident, and he had to purchase a new car he could not afford. He suspended paying his creditors until he was fully adjusted in his new lifestyle. Then, he planned to resume paying them. He testified, "I was making payments to them [creditors] and it just, one thing led to another, and it was, it just never entered in my thoughts, sir." (Tr. 93-97) By June 2008, Applicant stopped paying rent when he moved into his fiancé's home where she has been paying the mortgage. (GE 3 at 333; Tr. 40-43, 44-45, 93-96, 99-100)

Applicant testified that all the allegations under the first paragraph of the SOR are for credit cards. When he completed the credit card applications, he intended to pay the credit card bills. However, financial issues would invariably arise to prevent Applicant from paying his creditors. (Tr. 63-64)

In July 2009, Applicant advised the Government in his e-QIP that he had financial problems. He indicated that he had credit card debts that were transferred to a collection agency. He acknowledged having credit cards charged off. He admitted having debts over

180 days delinquent and debts that were 90 days delinquent. In September 2009, he explained in his interview that he had a credit card account that became delinquent in 2004, and another credit card account that became delinquent in approximately 2006.

On November 3, 2010, Applicant enrolled in a debt payment plan to resolve 11 debts. His enrollment occurred about two weeks before he received the SOR. Several of the listed debts appear in the SOR, and some do not. According to the terms of the plan, he was scheduled to have his bank account debited \$356 a month. A review of the debt firm ledger dated November 3, 2010, shows that after subtracting the monthly administrative and global fee from the \$356 payment amount, the payment is reduced to about \$262 a month. The payment plan calls for 36 payments to be made over 36 months, ending in October 2013 when all debts are paid. As of December 7, 2012, the debt firm informed Applicant that four debts were settled and five debts totaling \$11,042 were unresolved. In April 2013, these five debts totaling \$11,042 were still unresolved. (GE 3 at 336, 342, 343; AE A, AE B)²

According to his personal financial statement (PFS) prepared in November 2010, Applicant's monthly income was about \$3,600. His monthly debt was approximately \$700. He listed his expenses as a monthly car note of \$562, leaving a monthly remainder of about \$1,953 a month. Applicant testified that the only item that changed in the PFS was his car note that was paid off. He did not know why he waited until two days before the hearing to email the debt firm with a request to increase the monthly payment allotment from \$350 to \$600. (GE 3 at 333, AE B, AE G; Tr. 68-72)

The allegations in the SOR are based on Applicant's interview summary, his testimony, and the credit bureau reports appearing at GE 5 through GE 10. The delinquent accounts, which total approximately \$18,037, will be discussed in chronological order.

SOR 1.a. In September 1997, Applicant filed a Chapter 13 bankruptcy that was dismissed in August 2000 for noncompliance. Though Applicant's testimonial explanation for stopping payments under the petition is vague, he indicated in his sworn statement in 2002 that he stopped payments under the Chapter 13 petition and paid all the delinquent debts. (GE 11 at 190; Tr. 43)

SOR 1.b, \$680, cellular phone debt, **Unresolved**. The debt became delinquent in September 2011. Applicant cosigned for a cellular phone for a female who needed a phone to obtain a job. When the creditor contacted him for payment, he wanted to know what efforts had been made to contact the primary signatory of the contract. The creditor refused

² The last page of Applicant's response to the SOR is a copy of AE A, dated December 7, 2012. It lists the debts that were settled and the debts still unresolved.

Applicant's offer to pay a third of the \$680 debt. Applicant did not believe he was treated fairly during negotiations with the creditor for a phone he never used. The debt is not part of Applicant's debt repayment plan. (GE 5 at 317; Tr. 43-50)

SOR 1.c, \$958, judgment filed in January 2008, **Unresolved**. The judgment is a part of Applicant's debt plan. (GE 5 at 317; AE B)

SOR 1.d, \$5,023, judgment filed in January 2007, **Unresolved**. The judgment began as an unsecured credit card. A judgment was filed in January 2007. Applicant purchased some weight loss pills and some kind of drink. When the pills did not produce the desired result, he complained to the creditor. Neither the creditor nor the bank would terminate the contract for the pills. The unpaid bill increased to the present amount. Applicant did not have documentation proving that he disputed the account. (GE 5 at 317; Tr. 58-60)

SOR 1.e, \$584, credit card, **Unresolved**. The account became delinquent in July 2007. Applicant indicated that the account is in his debt plan. The account number in GE 6 does not match the account numbers in AE B. (GE 6 at 318; Tr. 60-61)

SOR 1.f, \$1,086, credit card, **Unresolved**. The debt became delinquent in July 2009. Applicant believed the debt was in his debt plan, but was unsure whether it had been settled. The account number in GE 6 does not match the account numbers in AE B. (GE 8 at 220; Tr. 61)

SOR 1.g, \$784, credit card, **Resolved**. The account became delinquent in July 2009. The account numbers in both exhibits match. (GE 8 at 219; AE B)

SOR 1.h, \$1,384, credit card, **Resolved**. The account became delinquent in September 2005. Applicant's debt firm indicates the account was settled. Even though the account numbers do not match, the amounts are the same. (GE 6 at 320; AE B)

SOR 1.i, \$1,944, credit card, **Unresolved**. The account became delinquent in October 2005. The delinquent account is listed with Applicant's debt plan, but there is no indication the debt has been settled. (GE 5 at 320; AE B)

SOR 1.j, \$502, credit card, **Unresolved**. Applicant testified the account is listed in his plan, but the plan does not confirm his claim. (Tr. 61-62) See AE A and AE B.

SOR 1.k, \$650, credit card, **Unresolved**. The delinquent account is included in his plan, but it has not been paid. See GE 8 at 214; AE B.

SOR 1.l, \$3,037, credit card, **Resolved**. The account became delinquent in August 2010. On April 19, 2013, Applicant's debt firm indicated the account was settled, but did not

indicate when. Even though the account numbers do not match, the delinquent amounts are close. (GE 7 at 354; AE B, AE C)

SOR 1.m, \$172, storage space, **Resolved**. The account was transferred for collection in June 2008. Applicant paid the debt on April 29, 2013. (GE 8 at 213; AE F)

SOR 1.n, 1.o, \$260, 3 parking tickets, **Resolved**. Applicant believed he received the tickets in 2005. The exhibits indicate the tickets became delinquent in 2009. Applicant paid the tickets on April 29, 2013. (GE 8 at 222; AE E)

SOR 1.p, \$573, credit card, **Resolved**. The account, which became delinquent in June 2005, was settled. (GE 8 at 222; AE B, AE D)

SOR 1.q, \$400, credit card, **Resolved**. The account is a duplicate of SOR 1.p. (GE 8 at 222; AE B)

Applicant receives credit for satisfying six of the SOR debts because SOR 1.q is a duplicate of SOR 1.p. Seven accounts and two judgments remain unresolved. Applicant has at least three unalleged additional delinquent accounts that are not listed in the SOR. (AE B)

SOR 2.a. This allegation was withdrawn.³ However, Applicant testified that he filed the Chapter 13 petition in March 1997 because he had his car repossessed and he owed the IRS approximately \$4,000.

SOR 2.b-2.q, 2.s, 2.u-2.ff. Applicant admitted the 29 disciplinary infractions alleged, which were issued throughout his employment with his current employer. The SOR-cited violations include a citation for losing property in 2002, repeated failures to notify of medical appointment or medical leave, and repeated tardiness. He also has additional violations that occurred after the SOR was issued. Those violations include improperly sending an email to a foreign embassy and improperly hanging the American Flag at half-mast. (GE 2; Tr. 87)

On May 31, 2012, the facility security officer (FSO) of Applicant's employer attached a letter to Applicant's personnel file. In the letter, the FSO explained the company policy provides that reprimands, suspensions, or termination are valid for a period of 12 months from the employee's date of hire, and cannot be considered after that period has ended. Therefore, at the end of the 12-month period, any infractions that occurred during the

³ In the e-QIP that Applicant certified on July 14, 2009, he answered "no" to question 26a asking whether he had ever filed a Chapter 7 or Chapter 13 bankruptcy petition. (GE 1 at 50)

period become void. Applicant equated his company's disciplinary policy to a juvenile record that is sealed when the person becomes an adult. Though some of the letters in Applicant's personnel file cite specific days Applicant was to be suspended, he indicated he was never suspended from work. (GE 2 at 233; Tr. 79, 82-85)

SOR 2.r. On July 14, 2009, Applicant signed and certified an e-QIP. In response to the following questions of **Section 13C: Employment Record 2**. Have you ever received a warning, been officially reprimanded, suspended, disciplined for misconduct in the workplace? 3. Have you received a written warning, been officially reprimanded, suspended, or disciplined for violating a security rule or policy?, Applicant answered "no." Initially, he testified that he could supply no reason for answering "no" to the questions. Then he explained he did not think he was required to reveal the disciplinary infractions because of the 12-month rule and his belief the infractions did not qualify under the e-QIP questions. (SOR 3 at 228; Tr. 72-78)

SOR 2.t. In his OPM interview of September 23, 2009, Applicant admitted he was reprimanded for losing keys, but denied having any other security violations at his current employment. When asked why he only told the OPM investigator about the infraction for losing the keys and not the other disciplinary infractions, he did not consider tardiness and failure to notify of medical leave actions as discipline. With the rapport he had built during the September 2009 interview with the investigator in describing "how everything worked," he could not explain why he had not addressed the company's disciplinary policy. (GE 1 at 18, GE 2 at 281, 283; Tr. 72-79, 82-84)

Character Evidence

Between September 2004 and December 2011, Applicant received seven certificates of appreciation for carrying out his job responsibilities in a professional and dignified manner. Applicant enjoys his job and has never done anything to put his character or judgment in issue. (GE 2 at 226-251; Tr. 31-35)

Policies

When evaluating an applicant's suitability for a security clearance, the administrative judge must consider the AG. Each guideline lists potentially disqualifying conditions and mitigating conditions, which are useful in evaluating an applicant's eligibility for access to classified information.

The disqualifying and mitigating conditions should also be evaluated in the context of nine general factors known as the whole-person concept to bring together all available, reliable information about the person, past and present, favorable and unfavorable, in making a decision for security clearance eligibility. Decisions include, by necessity,

consideration of the possible risk the applicant may deliberately or inadvertently fail to protect or safeguard classified information. Such decisions entail a certain degree of legally permissible extrapolation as to the potential, rather than actual, risk of compromise of classified information.

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 of establishing that it is clearly consistent with the national interest to grant him a security clearance.

Analysis

Financial Considerations

Paragraph 18 of the AG sets forth the security concern related to financial considerations:

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. Compulsive gambling is a concern as it may lead to financial crimes including espionage. Affluence that cannot be explained by known sources of income is also a security concern. It may indicate proceeds from financially profitable criminal acts.

The two pertinent disqualifying conditions under AG ¶ 19 are:

- (a) inability or unwillingness to satisfy debts; and

- (c) a history of failing to meet financial obligations.

Following the dismissal of his Chapter 13 bankruptcy petition in August 2000, the credit reports and Applicant's testimony prove that he started accumulating delinquent debt in 2005 and had a judgment over \$5,000 filed against him in January 2007. Applicant continued to accrue delinquent debt until at least September 2011, when he refused to pay a cellular phone bill that he had cosigned. When the SOR was published in November 2012, Applicant had delinquent debts totaling more than \$18,000. AG ¶¶ 19(a) and 19(c) apply.

Five conditions under AG ¶ 20 could potentially mitigate Appellant's delinquent indebtedness:

(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;

(b) the conditions that resulted in the financial problem were largely beyond the person's control, and the person acted responsibly under the circumstances;

(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;

(d) the individual initiated a good-faith effort to repay overdue creditors or otherwise resolve debts; and

(e) the individual has a reasonable basis to dispute the legitimacy of the past-due debt which is the cause of the problem and provides documented proof to substantiate the basis of the dispute or provides evidence of actions to resolve the issue.

Applicant began accumulating delinquent financial debt in 2005. By 2008 he had two judgments. When the SOR was published in November 2012, Applicant owed more than \$18,000 to 16 creditors. He has provided insufficient evidence to confidently conclude the circumstances leading to the indebtedness will not recur. AG ¶ 20(a) does not apply.

I have considered Applicant's divorce in March 2007, and the major monthly expenditures in the following months of paying rent and a new car to replace the one that was apparently destroyed in a car accident. These conditions resulted in financial problems beyond Applicant's control. However, less than a year later, he moved into his fiancée's home and no longer had to pay rent. He no longer has a car note. He has \$6,000 in his savings account and a monthly remainder of \$1,953. Even with this amount of discretionary income, Applicant did not attempt to apply more funds to his debt plan until two days before the hearing. He did not pay three small debts until after the hearing. Based on his failure to act on the debts between June 2008 and November 2010, he receives only limited mitigation under AG ¶ 20(b).

Applicant has never received financial counseling and has a history of credit abuse. The limited mitigation he receives under AG ¶ 20(c) is based on his November 2010

enrollment in a debt plan. He has not aggressively ensured that all delinquent debts are in the debt plan to provide a clear indication that his debts are being resolved or under control.

Applicant exercised good judgment when he signed up for the debt plan in November 2010. However, of the six delinquent debts settled, only three listed debts were resolved through his debt plan. The delinquent account in SOR 1.q is a duplicate of SOR 1.p. Applicant is entitled to limited mitigation under AG ¶ 20(d).

Applicant's attempt to renegotiate his responsibility for the cellular phone debt in SOR 1.b does not qualify as a reasonable basis to dispute the debt. His liability had already been defined when he cosigned the contract. Applicant's prolonged dispute with the creditor in SOR 1.d was not documented and therefore, cannot be mitigated under AG ¶ 20(e).

Personal Conduct

The security concern for personal conduct is set forth 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.

AG ¶ 16 contains three disqualifying conditions that are potentially pertinent:

(a) deliberate omission, concealment, or falsification of relevant facts from any personnel security questionnaire, personnel security statement, or similar form to conduct investigations, determine employment qualifications, award benefits and status, determine security clearance eligibility or trustworthiness, or award fiduciary responsibilities;

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

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

characteristics indicating the person may not properly safeguard protected information. This includes but is not limited to consideration of: (1) untrustworthy or unreliable behavior to include breach of client confidentiality, release of proprietary information, unauthorized release of sensitive corporate or other government protected information; (2) disruptive, violent, or other behavior in the workplace; (3) a pattern of dishonesty or rule violations; and (4) evidence of significant misuse of government or other employer's time or resources.

Intentionally providing false information during the security clearance process raises doubts about a person's trustworthiness, judgment, and the person's ability to safeguard classified information. An applicant must be forthright and completely candid during every stage of a security investigation. Important stages occur at the time the e-QIP is completed and when an applicant is interviewed. While omissions of material information from a security clearance application or interview summary evoke security concerns under AG ¶ 16(a), not every omission or incorrect response is disqualifying under the condition. Applicant answered "no" to question 13C of the e-QIP because of the 12-month rule, his subjective view that the 29 infractions did not qualify under the e-QIP questions, and his opinion that the infractions were treated like a juvenile record. While Applicant may not have received any sort of punishment for any of the infractions, he was not relieved of answering the two questions truthfully. In view of Applicant's military service and his professional employment, he should have disclosed the warnings and discipline on his e-QIP. AG ¶ 16a(a) applies.

I reach the same conclusion under SOR 2.t. Applicant deliberately provided false information in his September 2009 interview when he indicated he had only been reprimanded for losing keys in 2002. His reliance on the 12-month rule and the juvenile record theory do not excuse his failure to provide truthful information about his 28 additional disciplinary violations and write ups. His feigned surprise at not knowing why he would not disclose the information during the interview is not credible. AG ¶ 16(b) applies.

Applicant's disciplinary infractions between 2002 and February 2012 constitute a pattern of rule violations that supports a whole-person assessment of questionable judgment, untrustworthiness, and unreliability. AG ¶ 16(c)(3) applies.

There are three mitigating conditions under AG ¶ 17 that are potentially pertinent to the circumstances in this case. Those conditions are:

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

(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; and

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

Applicant receives no credit under AG ¶ 17(a) because he continues to deny he deliberately omitted all his disciplinary incidents in his e-QIP and all but one incident in his interview. AE ¶ 17(a) does not apply.

Though the disciplinary incidents may be considered minor, the overall seriousness of the offenses cannot be overlooked because of the large number of rule violations over Applicant's 11-year period of employment. His inability to recognize his dishonesty in not disclosing the pattern of violations during the security investigation casts residual concern regarding his judgment and reliability. Neither AG ¶¶ 17(c) nor 17(d) apply.

Whole-Person Concept

I have examined the evidence under the disqualifying and mitigating conditions of the financial and personal conduct guidelines. I have also weighed the circumstances within the context of nine variables known as the whole-person concept. In evaluating the relevance of an individual's conduct, the administrative judge should consider the following factors set forth in AG ¶ 2(a):

(1) the nature, extent, and seriousness of the conduct; (2) the circumstances surrounding the conduct, to include knowledgeable participation; (3) the frequency and recency of the conduct; (4) the individual's age and maturity at the time of the conduct; (5) the extent to which the participation was 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 a commonsense judgment based on careful consideration of the guidelines and the whole-person concept.

Applicant is 50 years old and divorced. He has four children and is still providing child support for one child. He was honorably discharged in March 2002 after serving 20 years in the U.S. Marines. He has received several certificates of recognition for the integrity and professionalism he has demonstrated on the job.

While the record shows Applicant did nothing to address his delinquent debt for more than two years, he exercised good judgment by joining a debt firm in November 2010. He has been paying about \$262 a month into that plan since then. Yet, in the 2 ½ years since he joined the plan, he has satisfied only six delinquent debts. Of that total, he satisfied three of the smaller debts outside the plan and after the hearing. Given Applicant's continuous employment since 2002 and the large amount of discretionary funds available to him since November 2010, he should have settled or satisfied more debts. Having weighed the disqualifying and mitigating conditions in the context of the whole-person concept, Applicant's evidence in mitigation does not meet his burden of overcoming the security concerns arising from the financial and personal conduct guidelines.

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 (Financial Considerations):	AGAINST APPLICANT
Subparagraph 1.a-1.f, 1.i-1.k:	Against Applicant
Subparagraphs 1.g, 1.h, 1.l-1.o:	For Applicant
Paragraph 2 (Personal Conduct):	AGAINST APPLICANT
Subparagraph 2.a:	For Applicant
Subparagraphs 2.b-2.ff:	Against Applicant

Conclusion

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

Paul J. Mason
Administrative Judge

