



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



In the matter of:)
)
-----) ISCR Case No. 10-02213
SSN: -----)
)
Applicant for Security Clearance)

Appearances

For Government: Ray T. Blank, Jr., Esquire, Department Counsel
For Applicant: *Pro se*

November 9, 2010

Decision

GALES, Robert Robinson, Administrative Judge:

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

Statement of the Case

On September 9, 2009, Applicant applied for a security clearance and submitted an Electronic Questionnaire for Investigations Processing (e-QIP) version of a Security Clearance Application (SF 86).¹ On May 10, 2010, DOHA issued a Statement of Reasons (SOR) to her, pursuant to Executive Order 10865, *Safeguarding Classified Information within Industry* (February 20, 1960), as amended and modified; Department of Defense Directive 5220.6, *Defense Industrial Personnel Security Clearance Review Program* (January 2, 1992), as amended and modified (Directive); and the *Adjudicative Guidelines for Determining Eligibility For Access to Classified Information* (December 29, 2005) (AG) for all adjudications and other determinations made under the Directive.

¹ Item 4 (SF 86), dated September 9, 2009.

The SOR alleged security concerns under Guideline F (Financial Considerations), and detailed reasons why DOHA could not make a preliminary affirmative finding under the Directive that it is clearly consistent with the national interest to grant or continue a security clearance for Applicant, and recommended referral to an administrative judge to determine whether a clearance should be granted, continued, denied, or revoked.

Applicant acknowledged receipt of the SOR on May 17, 2010. In a sworn, written statement, dated May 24, 2010, Applicant responded to the SOR allegations and elected to have her case decided on the written record in lieu of a hearing. A complete copy of the file of relevant material (FORM) was provided to Applicant on June 8, 2010, and she was afforded an opportunity, within a period of 30 days after receipt of the FORM, to file objections and submit material in refutation, extenuation, or mitigation. Applicant received the FORM on June 16, 2010, and submitted a letter with attachments to Department Counsel on an unspecified date before July 20, 2010.² The case was assigned to me on August 4, 2010.

Findings of Fact

In her Answer to the SOR, Applicant admitted all of the factual allegations in ¶¶ 1.a. through 1.x. of the SOR.

Applicant is a 50-year-old employee of a defense contractor, currently serving as a human resources/security representative.³ While on active duty with the U.S. Army from 1979 until 1982, she was granted a TOP SECRET security clearance in 1980.⁴ She was married in 1983 and divorced in 1991.⁵ She has one daughter, born in 1982.⁶ From 1999 until August 2009, Applicant was employed by a community college as a campus center associate.⁷ She attended another college from 2004 until 2008, and was awarded a master's degree in an unspecified discipline in December 2008.⁸ She assumed her position with her current employer in August 2009.⁹

² Applicant's Response to the FORM was forwarded to Department Counsel by a Legal Assistant to the Department Counsel on July 20, 2010.

³ Item 4, *supra* note 1, at 15.

⁴ *Id.* at 19, 37-38.

⁵ *Id.* at 22-23.

⁶ *Id.* at 26.

⁷ *Id.* at 16.

⁸ *Id.* at 13.

⁹ *Id.* at 14.

Financial Considerations

There was nothing unusual about Applicant's finances until about 2003. At some unspecified point, Applicant failed to keep up with her monthly payments, and accounts started to become delinquent. Some of the accounts were placed for collection with a variety of collection agents, and some of the accounts were charged off. In her Response to the FORM, Applicant attributed her financial situation to the following circumstances:¹⁰

During the time in question I was under-employed and a single parent (until my daughter graduated from college in 2002) while attending college part-time during period of 1995-2008, resulted in the student loans. . . . “

Applicant also indicated that her life was full of raising her daughter and attending school, but she failed to explain how her feeling of isolation and being adrift caused her to neglect her finances and enable her to fall “into a credit card spiral.”¹¹ She acknowledged that “[she] was using the credit cards and the ability to buy things as a substitute for what was missing in [her] life.”¹²

The SOR identified 24 purportedly continuing delinquencies as reflected by credit reports from 2009¹³ and 2010,¹⁴ totaling approximately \$92,590. Some accounts have been transferred, reassigned, or sold to other creditors or collection agents. Other accounts are referenced repeatedly in different credit reports, in many instances duplicating other accounts listed, either under the same creditor name or under a different creditor name. Some accounts are identified by complete account numbers, while others are identified by partial account numbers, in some instances eliminating the last four digits and in others eliminating other digits.

Applicant contends that two of the accounts listed in the SOR (¶¶ 1.a. and 1.r.), for a gas utility, are identical accounts,¹⁵ although two different collection agencies and two different account numbers appear in the credit reports. The outstanding balances (\$537 versus \$536) reflected differ by \$1. Since both accounts were opened in 2009, I am inclined to agree with her contention. Applicant contends she paid the creditor on May 18, 2010, but offered no documentation to confirm that such a payment had been made. She claimed that it would take 30 days from the date of the payment to obtain such documentation.¹⁶

¹⁰ Applicant's Response to the FORM, *supra* note 2, at 1.

¹¹ Applicant's Response to the FORM, *supra* note 2, at 1.

¹² *Id.*

¹³ Item 5 (Combined Experian, Trans Union, and Equifax Credit Report, dated September 10, 2009).

¹⁴ Item 6 (Equifax Credit Report, dated April 16, 2010).

¹⁵ Item 2 (Applicant's Answer to the SOR, dated May 21, 2010), at 1.

¹⁶ *Id.*

Two other accounts listed in the SOR (¶¶ 1.k. and 1.q.), for telephone service, are identical accounts with somewhat compatible account numbers,¹⁷ and the collection agencies identified are two variations of the same agency. The unpaid balance reflected for both accounts is \$244,¹⁸ while one account reflects a past due balance of \$144.¹⁹ In March 2010, Applicant received an offer of settlement to resolve the account with a payment of \$100.²⁰ Applicant contends she accepted the offer and paid the agreed amount, and submitted a statement from the creditor stating the account had been “settled in full” with a zero balance.²¹

One of the accounts listed in the SOR (¶ 1.l.) for a bank loan in the amount of \$387, was originally past due in the amount of \$374 when placed for collection,²² but the balance was subsequently increased to \$387.²³ In May 2010, Applicant received an offer of settlement to resolve the account with a payment of \$233.37.²⁴ Applicant accepted the offer and paid the creditor \$234.13.²⁵

Two of the accounts listed in the SOR (¶¶ 1.i. and 1.j.) for credit cards from two different banks, were charged off in the respective amounts of \$2,156 and \$1,020.²⁶ Applicant noted that fact, but initially provided no indication that she intended to contact the creditors to arrange repayments.²⁷ According to Applicant’s newly proposed repayment plan, she would eventually, without indicating a commencement date, pay each creditor \$50 per month to retire those particular debts.²⁸

Applicant claims she does not know the identity of the health care providers for two of the accounts listed in the SOR (¶¶ 1.f. and 1.g.) for medical accounts in the

¹⁷ One account number reflects six digits which are identical to a portion of the other account’s 10 digits. See Item 5, *supra* note 13, at 5; Item 6, *supra* note 14, at 2.

¹⁸ *Id.* Item 5; *Id.* Item 6.

¹⁹ *Id.* Item 6.

²⁰ Creditor’s discounted payment offer, dated March 3, 2010, attached to Item 2.

²¹ Creditor’s statement, dated May 18, 2010, attached to Item 2.

²² Item 5, *supra* note 13, at 18.

²³ Item 6, *supra* note 14, at 2.

²⁴ Creditor’s settlement opportunity, dated May 22, 2010, attached to Item 2.

²⁵ Payment receipt, dated May 17, 2010, attached to Item 2.

²⁶ Item 5, *supra* note 13, at 16, 23.

²⁷ Item 2, *supra* note 15, at 1.

²⁸ Applicant’s “Paying Down My Debts” Plan, undated, attached to Applicant’s Response to the FORM, *supra* note 2.

respective amounts of \$46 and \$192.²⁹ She has provided no indication that she intends to locate or contact the creditors to arrange repayments.

Applicant also claims she does not know the identity of the original creditor of one account listed in the SOR (¶ 1.m.) in the amount of \$248. She initially provided no indication that she intended to contact the collection agency listed in the credit reports to arrange repayments.³⁰ In fact, the original creditor for the account in question is a large national bank and is identified in one of the credit reports.³¹ The high credit on the account was \$3,707 in 2009, with \$668 past due,³² and in 2010, the unpaid balance was \$248.³³ The account is actually identical to another one listed in the SOR (¶ 1.s.), with \$668 past due, as the accounts have somewhat compatible account numbers,³⁴ and the collection agencies for both are the same. According to Applicant's newly proposed repayment plan, she would eventually, without indicating a commencement date, pay each creditor \$50 per month to retire those particular debt(s).³⁵

The 2009 credit report lists 21 separate deferred student loan accounts through one particular bank lender. Of that number, six of the accounts are delinquent, as follows:

- Account x038, balance: \$24,229, past due: \$1,261³⁶
- Account x039, balance: \$36,742, past due: \$1,912³⁷
- Account x040, balance: \$8,664, past due: \$767³⁸
- Account x041, balance: \$11,978, past due: \$1,061³⁹
- Account x042, balance: \$8,947, past due: \$880⁴⁰
- Account x043, balance: \$12,098, past due: \$1,189⁴¹

²⁹ Item 5, *supra* note 13, at 17-18; Item 6, *supra* note 12, at 1.

³⁰ Item 2, *supra* note 15, at 1.

³¹ Item 5, *supra* note 13, at 17.

³² *Id.*

³³ Item 6, *supra* note 14, at 2.

³⁴ One account number reflects 12 digits which are identical to a portion of the other account's 16 digits. See Item 5, *supra* note 13, at 17; Item 6, *supra* note 14, at 2.

³⁵ Applicant's "Paying Down My Debts" Plan, *supra* note 28.

³⁶ Item 5, *supra* note 13, at 6.

³⁷ *Id.*

³⁸ *Id.* at 10.

³⁹ *Id.*

⁴⁰ *Id.*

⁴¹ *Id.* at 11.

The same credit report lists another delinquent student loan, not characterized as deferred, through the state education services agency with the same bank lender. The past due balance on that account is \$2,182.⁴² The 2010 credit report lists three student loan accounts in collection,⁴³ and they are the same ones listed in the SOR:⁴⁴

- Past due balance: \$73,264 (¶ 1.n.)
- Past due balance: \$2,213 (¶ 1.o.)
- Past due balance: \$2,209 (¶ 1.p.)

Applicant contends that some of her delinquent student loans were being paid by wage garnishment payments⁴⁵ in unspecified amounts, but has offered no documentary evidence to support her contention. Those payments supposedly ceased when, on March 22, 2010, Applicant and the state education services agency agreed to a repayment plan under which she agreed to make monthly payments of \$600 towards her student loan,⁴⁶ a loan with an account number completely different from any of the other student loans. She furnished on-line image prints of her first four monthly payments.⁴⁷ It is not known if Applicant's student loans were consolidated so that the payment is covering all of them, or if there are some separate delinquent student loans which are still not being addressed.

The SOR lists three delinquent medical accounts (¶¶ 1.e., 1.h., and 1.x.) in the respective amounts of \$98, \$61, \$20, which, according to the 2009 credit report, are being serviced by the same collection agency.⁴⁸ A fourth delinquent medical account in the SOR (¶ 1.d.) in the amount of \$694 is listed in the 2010 credit report, but the identity of the collection agency is not specified, except by a code.⁴⁹ Applicant knows the identity of each of the creditors, and claims the four accounts are being serviced by the same collection agency. She also claims she established a voluntary repayment plan on an unspecified date.⁵⁰ According to Applicant's proposed plan, she was to pay

⁴² *Id.* at 19.

⁴³ Item 6, *supra* note 14, at 2.

⁴⁴ *Id.*

⁴⁵ Applicant's Response to the FORM, *supra* note 2, at 1.

⁴⁶ Letter from the state education services agency, dated March 22, 2010, attached to Item 2, *supra* note 15.

⁴⁷ On-line image prints of checks, various dates, attached to Applicant's Response to the FORM, *supra* note 2.

⁴⁸ Item 5, *supra* note 13, at 20-21.

⁴⁹ Item 6, *supra* note 14, at 1.

⁵⁰ Applicant's Response to the FORM, *supra* note 2, at 1.

\$50 per month to eventually retire those particular debts.⁵¹ She made her initial payment of \$200 in May 2010,⁵² and a subsequent payment of \$80 in July 2010,⁵³ neither of which was in compliance with the repayment plan. She has offered no documentation to indicate the terms of her repayment agreement, or any indication from the collection agency that it has agreed to her proposed terms, or to confirm that such an agreement exists. The inconsistent payment amounts and the payment dates raise substantial questions as to the existence of an agreement or Applicant's ability to comply with the terms of an existing agreement.

Applicant contends she made payments or was scheduled to make payments of unspecified amounts for several accounts listed in the SOR, as follows:

- Utility service, past due balance: \$124 (¶ 1.b.), purportedly paid on May 18, 2010⁵⁴
- Cable service, past due balance: \$135 (¶ 1.c.), purportedly paid on May 19, 2010⁵⁵
- Book club, past due balance: \$89 (¶ 1.w.), purportedly scheduled to pay unspecified settlement amount on May 26, 2010⁵⁶

She offered no documentation to confirm that such payments had been made, and claimed that it would take 30 days from the date of the individual payments to obtain such documentation.⁵⁷

According to Applicant's newly proposed repayment plan, she would eventually, without indicating a commencement date, pay one particular creditor, a large nationally known retailer, with a past due balance of \$7,288, listed in the SOR (¶ 1.t.) \$50 per month to retire that particular debt.⁵⁸ The two remaining delinquent accounts listed in the SOR pertaining to a music company with a past due balance of \$182 (¶ 1.u.) and a book club with a past due balance of \$35 (¶ 1.v.) would be paid once the other debts were satisfied.⁵⁹

⁵¹ Applicant's "Paying Down My Debts" Plan, *supra* note 28.

⁵² On-line image of check, dated May 26, 2010, attached to Applicant's Response to the FORM, *id.*

⁵³ On-line bill pay payment confirmation, dated July 13, 2010, attached to Applicant's Response to the FORM, *id.*

⁵⁴ Item 2, *supra* note 15, at 1.

⁵⁵ *Id.*

⁵⁶ *Id.* at 2.

⁵⁷ *Id.* at 1.

⁵⁸ Applicant's "Paying Down My Debts" Plan, *supra* note 28.

⁵⁹ *Id.*

In June 2010, Applicant enrolled in an online course called Credit Report and Repair. The course consisted of 15 lessons and assignments during an estimated 20.75 hours over a nine day period, and it was successfully completed on July 1, 2010.⁶⁰

In anticipation of her submission of her Response to the FORM, Applicant prepared a household budgeting worksheet, similar to a personal financial statement, indicating monthly net income of \$2,444, monthly living expenses of \$854, monthly secured debt payments (for rent and student loans) of \$1,270, for a total of \$2,124 in monthly expenses, and a monthly net remainder of \$320 available for discretionary spending.⁶¹

Policies

The U.S. Supreme Court has recognized the substantial discretion of the Executive Branch in regulating access to information pertaining to national security emphasizing, “no one has a ‘right’ to a security clearance.”⁶² As Commander in Chief, the President has the authority to control access to information bearing on national security and to determine whether an individual is sufficiently trustworthy to have access to such information. The President has authorized the Secretary of Defense or his designee to grant an applicant eligibility for access to classified information “only upon a finding that it is clearly consistent with the national interest to do so.”⁶³

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

An administrative judge need not view the guidelines as inflexible, ironclad rules of law. Instead, acknowledging the complexities of human behavior, these guidelines are applied in conjunction with the factors listed in the adjudicative process. The administrative judge’s overarching adjudicative goal is a fair, impartial, and commonsense decision. The entire process is a conscientious scrutiny of a number of variables known as the “whole-person concept.” The administrative judge must consider all available, reliable information about the person, past and present, favorable and unfavorable, in making a meaningful decision.

⁶⁰ Certificate of Course Completion, dated July 1, 2010, attached to Applicant’s Response to the FORM, *supra* note 2.

⁶¹ Household Budgeting Worksheet, undated, attached to Applicant’s Response to the FORM, *supra* note 2.

⁶² *Department of the Navy v. Egan*, 484 U.S. 518, 528 (1988).

⁶³ Exec. Or. 10865, *Safeguarding Classified Information within Industry* § 2 (Feb. 20, 1960), as amended and modified.

In the decision-making process, facts must be established by “substantial evidence.”⁶⁴ The Government initially has the burden of producing evidence to establish a potentially disqualifying condition under the Directive, and has the burden of establishing controverted facts alleged in the SOR. Once the Government has produced substantial evidence of a disqualifying condition, under Directive ¶ E3.1.15, the applicant has the burden of persuasion to present evidence in refutation, explanation, extenuation or mitigation, sufficient to overcome the doubts raised by the Government’s case. The burden of disproving a mitigating condition never shifts to the Government.⁶⁵

A person who seeks access to classified information enters into a fiduciary relationship with the Government predicated upon trust and confidence. This relationship transcends normal duty hours and endures throughout off-duty hours as well. It is because of this special relationship that the Government must be able to repose a high degree of trust and confidence in those individuals to whom it grants access to classified information. Decisions include, by necessity, consideration of the possible risk the applicant may deliberately or inadvertently fail to safeguard classified information. Such decisions entail a certain degree of legally permissible extrapolation as to potential, rather than actual, risk of compromise of classified information. Furthermore, “security clearance determinations should err, if they must, on the side of denials.”⁶⁶

Clearance decisions must be “in terms of the national interest and shall in no sense be a determination as to the loyalty of the applicant concerned.”⁶⁷ Thus, nothing in this decision should be construed to suggest that I have based this decision, in whole or in part, on any express or implied determination as to Applicant’s allegiance, loyalty, or patriotism. It is merely an indication the Applicant has not met the strict guidelines the President and the Secretary of Defense have established for issuing a clearance. In reaching this decision, I have drawn only those conclusions that are reasonable, logical, and based on the evidence contained in the record. Likewise, I have avoided drawing inferences grounded on mere speculation or conjecture.

Analysis

Guideline F, Financial Considerations

The security concern relating to the guideline for Financial Considerations is set out in AG ¶ 18:

⁶⁴ “Substantial evidence [is] such relevant evidence as a reasonable mind might accept as adequate to support a conclusion in light of all contrary evidence in the record.” ISCR Case No. 04-11463 at 2 (App. Bd. Aug. 4, 2006) (citing Directive ¶ E3.1.32.1). “Substantial evidence” is “more than a scintilla but less than a preponderance.” See *v. Washington Metro. Area Transit Auth.*, 36 F.3d 375, 380 (4th Cir. 1994).

⁶⁵ See ISCR Case No. 02-31154 at 5 (App. Bd. Sep. 22, 2005).

⁶⁶ *Egan*, 484 U.S. at 531

⁶⁷ See Exec. Or. 10865 § 7.

Failure or inability to live within one's means, satisfy debts, and meet financial obligations may indicate poor self-control, lack of judgment, or unwillingness to abide by rules and regulations, all of which can raise questions about an individual's reliability, trustworthiness and ability to protect classified information. An individual who is financially overextended is at risk of having to engage in illegal acts to generate funds. . . .

The guideline notes several conditions that could raise security concerns. Under AG ¶ 19(a), an "inability or unwillingness to satisfy debts" is potentially disqualifying. Similarly, under AG ¶ 19(c), "a history of not meeting financial obligations" may raise security concerns. Also, under AG ¶ 19(e), "consistent spending beyond one's means, which may be indicated by excessive indebtedness, significant negative cash flow, high debt-to-income ratio, and/or other financial analysis," is potentially disqualifying.

As noted above, there was nothing unusual about Applicant's finances until about 2003. At some unspecified point, she failed to keep up with her monthly payments, and accounts started to become delinquent. Some accounts were placed for collection and some accounts were charged off. Applicant attributed her financial situation to being under-employed, to being a single parent, and to attending college.

The record is silent regarding her purported "under-employment." Likewise, she failed to explain how being a single parent of a child who graduated from college in 2002 caused her to fail to keep up with her monthly payments. She noted that she was attending college part-time during 1995-2008, and incurred student loans, but failed to explain why those student loans became delinquent. Applicant did indicate that her life was full of raising her daughter and attending school, but she failed to explain how her feeling of isolation and being adrift caused her to neglect her finances and enable her to fall "into a credit card spiral." She acknowledged that she was using the credit cards and the ability to buy things as a substitute for what was missing in her life. AG ¶¶ 19(a), 19(c), and 19(e) apply.

The guideline also includes examples of conditions that could mitigate security concerns arising from financial difficulties. Under AG ¶ 20(a), the disqualifying condition may be mitigated where "the behavior happened so long ago, was so infrequent, or occurred under such circumstances that it is unlikely to recur and does not cast doubt on the individual's current reliability, trustworthiness, or good judgment." Also, under AG ¶ 20(b), financial security concerns may be mitigated where "the conditions that resulted in the financial problem were largely beyond the person's control (e.g., loss of employment, a business downturn, unexpected medical emergency, or a death, divorce or separation), and the individual acted responsibly under the circumstances." Evidence that "the person has received or is receiving counseling for the problem and/or there are clear indications that the problem is being resolved or is under control" is potentially mitigating under AG ¶ 20(c). Similarly, AG ¶ 20(d) applies where the evidence shows

“the individual initiated a good-faith effort to repay overdue creditors or otherwise resolve debts.”⁶⁸

Applicant’s financial problems commenced sometime before 2003, and still have not been resolved. While she may have simplistically attributed her continuing financial difficulties to being under-employed, to being a single parent and to attending college, and some of those issues may have contributed to her debts, she never explained how they became the primary cause of her financial problems. To the contrary, she mentioned the feeling of isolation and being adrift as the primary causes for her to neglect her finances and to enable her to fall “into a credit card spiral.” She acknowledged that she was using the credit cards and the ability to buy things as a substitute for what was missing in her life. Because the financial situation is frequent and continuing in nature, and the causation is not adequately described, AG ¶ 20(a) does not apply. Applicant’s handling of her finances, under the circumstances, casts doubt on her current reliability, trustworthiness, or good judgment.

Applicant’s use of credit cards, as she explained, was irresponsible. Although Applicant claimed a variety of causations, the most significant one is that she did not exercise the discipline to stop using her credit cards until it was too late. The reasons stated do not establish she acted “responsibly under the circumstances.” Accordingly, AG ¶ 20(b) does not apply.

AG ¶ 20(c) partially applies because Applicant completed an online course called Credit Report and Repair in July 2010, nearly 60 days after the SOR was issued. She did not offer specific details regarding what she had learned, but because of her preparation of a debt repayment plan and the household budgeting worksheet, it appears that she may have received some meaningful financial counseling and debt consolidation guidance.

AG ¶ 20(d) only partially applies because Applicant ignored her delinquent debts until she finally initiated what might be considered a limited “good-faith” effort to repay a few of those delinquent accounts in March 2010. She took no other action until after the SOR was issued. She claims she has finally changed her patterns of consumption and her purchasing habits, and is making an effort of addressing her financial goals. The vast majority of her delinquent accounts remain unpaid or unresolved, and while there

⁶⁸ The Appeal Board has previously explained what constitutes a “good-faith” effort to repay overdue creditors or otherwise resolve debts:

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

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

are some indications that she intends to repay those delinquent debts eventually, as well as some indications that some debts may have been paid, partially or otherwise, she has offered little documentation to indicate the terms of her repayment agreements, or any indication from the various collection agencies that they have agreed to her proposed terms, or to confirm that such agreements exist. In the absence of such documentation, most of the evidence consists of promises to pay or unsupported contentions that some creditors have been paid.

Whole-Person Concept

Under the whole-person concept, the administrative judge must evaluate an applicant's eligibility for a security clearance by considering the totality of the applicant's conduct and all the circumstances. The administrative judge should consider the nine adjudicative process factors listed at AG ¶ 2(a):

- (1) the nature, extent, and seriousness of the conduct;
- (2) the circumstances surrounding the conduct, to include knowledgeable participation;
- (3) the frequency and recency of the conduct;
- (4) the individual's age and maturity at the time of the conduct;
- (5) the extent to which participation is voluntary;
- (6) the presence or absence of rehabilitation and other permanent behavioral changes;
- (7) the motivation for the conduct;
- (8) the potential for pressure, coercion, exploitation, or duress; and
- (9) the likelihood of continuation or recurrence.

Under AG ¶ 2(c), the ultimate determination of whether to grant eligibility for a security clearance must be an overall commonsense judgment based upon careful consideration of the guidelines and the whole-person concept.

There is some evidence in favor of mitigating Applicant's conduct. After years of inaction, in March 2010, Applicant finally started to address her delinquent accounts. She has made some payments, some of which are supported by documentation, but the vast majority of her accounts are simply on her list of things to do, eventually.

The disqualifying evidence under the whole-person concept is substantial. Applicant has a history of financial delinquencies. She ignored her financial responsibilities, attempting to explain that her financial problems were caused by a variety of situations, none of which appear to be the actual cause of her delinquencies. Her problem was an unabated use of credit cards. The variety of explanations she furnished for her lengthy period of inaction reflect traits which raise concerns about her fitness to hold a security clearance. I have evaluated the various aspects of this case in light of the totality of the record evidence and have not merely performed a piecemeal analysis.⁶⁹ Her recent good-faith efforts are insufficient to mitigate continuing security concerns. See AG ¶ 2(a)(1) through AG ¶ 2(a)(9).

⁶⁹ See *U.S. v. Bottone*, 365 F.2d 389, 392 (2d Cir. 1966); See also ISCR Case No. 03-22861 at 2-3 (App. Bd. Jun. 2, 2006).

Formal Findings

Formal findings for or against Applicant on the allegations set forth in the SOR, as required by section E3.1.25 of Enclosure 3 of the Directive, are:

Paragraph 1, Guideline F:	AGAINST APPLICANT
Subparagraph 1.a:	Against Applicant
Subparagraph 1.b:	Against Applicant
Subparagraph 1.c:	Against Applicant
Subparagraph 1.d:	For Applicant
Subparagraph 1.e:	For Applicant
Subparagraph 1.f:	Against Applicant
Subparagraph 1.g:	Against Applicant
Subparagraph 1.h:	For Applicant
Subparagraph 1.i:	Against Applicant
Subparagraph 1.j:	Against Applicant
Subparagraph 1.k:	For Applicant
Subparagraph 1.l:	For Applicant
Subparagraph 1.m:	For Applicant
Subparagraph 1.n:	For Applicant
Subparagraph 1.o:	For Applicant
Subparagraph 1.p:	For Applicant
Subparagraph 1.q:	For Applicant
Subparagraph 1.r:	For Applicant
Subparagraph 1.s:	Against Applicant
Subparagraph 1.t:	Against Applicant
Subparagraph 1.u:	Against Applicant
Subparagraph 1.v:	Against Applicant
Subparagraph 1.w:	Against Applicant
Subparagraph 1.x:	For Applicant

Conclusion

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

ROBERT ROBINSON GALES
Administrative Judge