



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



In the matter of:)
)
) ISCR Case No. 12-02609
)
Applicant for Security Clearance)

Appearances

For Government: Robert J. Kilmartin, Esq., Department Counsel
For Applicant: *Pro se*

03/24/2014

Decision

MATCHINSKI, Elizabeth M., Administrative Judge:

Applicant relied on consumer credit to cover living expenses and almost \$12,000 in medical expenses. As of February 2014, he owed more than \$30,000 in delinquent debt, which he planned to resolve in two years from the equity in his home. After his hearing, he began making \$50 payments on six debts, but these recent payments are not sufficiently mitigating of his years of disregard of four court judgments and other collection debts. Clearance denied.

Statement of the Case

On November 12, 2013, the Department of Defense Consolidated Adjudications Facility (DOD CAF) issued a Statement of Reasons (SOR) to Applicant, detailing the security concerns under 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 him. 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.

Applicant answered the SOR allegations on December 8, 2013, and he requested a hearing before an administrative judge from the Defense Office of Hearings and Appeals (DOHA). On January 14, 2014, the case was assigned to me to conduct a hearing to determine whether it is clearly consistent with the national interest to grant or continue a security clearance for him. On January 17, 2014, I scheduled a hearing for February 12, 2014.

I convened the hearing as scheduled. Five Government exhibits (GEs 1-5) and two Applicant exhibits (AEs A-B) were admitted into evidence without objection. Applicant also testified, as reflected in a transcript (Tr.) received on February 20, 2014. At Applicant's request, I held the record open through March 12, 2014, for further evidentiary submissions from him. On March 10, 2014, Applicant submitted eight exhibits, which were entered into evidence as AEs C-J without objection. No additional exhibits were received by the deadline, so the record closed on March 12, 2014.

Summary of SOR Allegations

The SOR alleges under Guideline F that as of November 12, 2013, Applicant owed four financial judgments totaling \$23,396 (SOR 1.a-1.d); six collection debts totaling \$8,146 (SOR 1.e, 1.l-1.p); and six charged-off debts totaling \$21,882 (SOR 1.f-1.k). Applicant admitted the debts and explained that they were incurred after he was diagnosed with a serious illness in 2008. He lost time at work and used credit cards for expenses not covered by insurance. Applicant expressed his intent to satisfy his debts from the equity in his home when he retires in two years.

Findings of Fact

After considering the pleadings, exhibits, and transcript, I make the following findings of fact.

Applicant is a 65-year-old senior engineer, who has worked for his current defense contractor employer since January 2005. Applicant previously worked for a different defense contractor on the same program from September 1982 to September 2004, when his then employer lost the government contract. (GE 1; Tr. 24.) Around 1983, he was granted a DOD Secret clearance, which was apparently administratively downgraded to a DOD Confidential security clearance in March 2000. (GEs 1, 2.) He seeks to retain a DOD Secret clearance, which was renewed around September 2005. (GE 1.)

Applicant has been married to his spouse since July 1975. They have two grown sons, who were born in November 1980 and January 1987. In September 2004, Applicant was laid off from his job of 22 years with a federal contractor in state X when the company lost the program contract to Applicant's current employer. (GE 1; Tr. 24.) Applicant received 12 weeks of severance pay and otherwise supported his family on savings and

unemployment compensation until January 2005, when he began working for his current employer in state Y. (GE 1; Tr. 35.) For the first six months, Applicant lived in a motel paid for by his employer. (GE 2.) In July 2005, Applicant and his spouse bought their present home for \$370,000. (AE B.) They paid off the \$280,000 mortgage on their previous home in state X and took on a mortgage of \$296,000 for their new home, which they paid on time. (GE 3.) In August 2006, Applicant and his spouse took a vacation at their expense to Canada. (GE 2.) It is unclear how much the trip cost them.

Around 2006, Applicant began covering some expenses for his father (e.g., telephone bill, car insurance), who battled a serious medical illness before his death in December 2010. (GE 2; Tr. 28.) Applicant's older sister was living on disability income and could not help financially. (Tr. 28.) Applicant began to fall behind in his payments on an installment loan (SOR 1.c) and some charge accounts (SOR 1.g-1.k). In 2007, Applicant began incurring medical expenses of his own. After six months or so of medical testing, he was diagnosed with a serious medical illness, which required surgery in May 2008. Applicant lost time at work before and after his surgery, although he does not now recall the amount of lost income. (Tr. 51-53.) Applicant took cash advances from several of his consumer credit card accounts to pay about \$12,000 in medical expenses not covered by insurance, and he relied on consumer credit for some daily expenses when he was out of work.¹ (Tr. 17-19, 25-26.) He was on short-term disability after his operation.² (Tr. 51.)

Applicant made no payments on several of his consumer credit accounts. In response to collection letters demanding payment in full, Applicant contacted his creditors, who advised him to file for bankruptcy or sell his home to pay off his debts. Applicant informed his creditors that they would be paid after he retired and sold his house. At the time, his home was worth less than what he owed on it. Some creditors continued to pursue collection, and between October 2007 and April 2008, four court judgments totaling \$23,397 were entered against him. (GEs 2-5; Answer; Tr. 17-18, 29-32, 36.)

In 2009, Applicant's older sister was diagnosed with a serious illness, which proved terminal in June 2009. (Answer.) She was on Medicaid, and several of her prescriptions were not covered. Applicant helped his sister financially by paying between \$200 and \$400 a few times so that she could see a physician specialist. (Tr. 18-19.) On occasion, Applicant paid his sister's electric bill. He also bought items for his niece on credit. (Tr. 19, 27-28.) Applicant kept no record of these expenditures. He took cash advances from his credit card accounts to provide for his sister. (Tr. 20.)

On October 27, 2011, Applicant executed and certified to the accuracy of an Electronic Questionnaire for Investigations Processing (e-QIP). In response to the financial record inquiries, Applicant indicated that judgments and liens of \$15,000 each had been

¹ Applicant testified that he was responsible for the first \$3,000 and then 20% of the remaining balance. He had an operation that cost almost \$32,000. (Tr. 19.) He also had tests outside of the network that he had to cover at 100%. (Tr. 25.) Applicant did not keep track of his expenditures for his sister or for his father. (Tr. 20.)

² Applicant testified that he was on sick leave and then short-term disability, which was at full-pay for eight weeks after a first week of "paid off-time." (Tr. 51.)

entered against him in the local court for delinquent Visa and MasterCard balances. His stated reason for the financial difficulty was “Family financial difficulties, sister, father and myself had cancer and had to borrow from credit cards.”

On November 15, 2011, Applicant was interviewed by an authorized investigator for the Office of Personnel Management (OPM), partially about his finances. Applicant indicated that several liens have been placed on his home because of unpaid Visa and MasterCard delinquencies. Applicant disputed only an \$87 collection debt (SOR 1.e), which was for Internet services that he did not receive. Applicant was unable to provide details about his undisputed debts. He added that the collection agencies were unwilling to enter into repayment arrangements with him, but that his creditors knew of his plan to satisfy his debts in full when he sells his home. Applicant expressed his belief that no one would question his willingness or ability to pay his debts or live within his means. He was current on his day-to-day living expenses. (GE 2.)

Applicant made no efforts to address his delinquent debts, as set forth in the following table.

Debt in SOR	Delinquency history	Payment status
1.a. \$7,432 judgment debt	\$7,432 credit card judgment Apr. 2008. (GEs 2-4; AE C; Tr. 28-29.)	Paid \$50 Mar. 6, 2014 (AE J); plans to continue payments. (AE H.)
1.b. \$3,451 judgment debt	\$3,451 credit card judgment Mar. 2008; creditor not the original lender. ³ (GEs 2-4; AE C; Tr. 30.)	Paid \$50 Mar. 6, 2014 (AE J); plans to continue payments. (AE E.)
1.c. \$5,920 judgment debt	Unsecured loan opened Jan. 2006; high credit \$5,920; last activity Jan. 2006; \$5,920 judgment Oct. 2007. (GEs 3, 4; AE C.)	Paid \$50 Mar. 6, 2014 (AE J); plans to continue payments. (AE I.)
1.d. \$6,593 judgment debt	Joint credit card account opened Mar. 1998; \$4,850 limit; last activity Jun. 2006; \$6,593 judgment Oct. 2007; balance \$10,614 as of Oct. 2011; \$11,558 charged off as of Dec. 2012. ⁴ (GEs 2-4; AE C.)	Paid \$50 Mar. 6, 2014 (AE J); plans to continue payments. (AE F.)

³ In an undated letter to the creditor forwarding a March 6, 2014 \$50 payment (AE E), Applicant indicated that the debt was around \$6,593, which is the same amount as the judgment debt owed the creditor in SOR 1.d. The evidence is inconclusive about the judgment balance of SOR 1.b.

⁴ Applicant testified that most of the debts are now three or four times higher than the original balances due to interest. (Tr. 29.) His judgment creditors are apparently entitled to 12% interest annually on the unpaid balance. (Tr. 31.)

1.e. \$87 collection debt	\$87 Internet service debt from Dec. 2006; for collection Sep. 2009. (GEs 2-4.)	Paid \$50 Mar. 6, 2014 (AE J); plans to continue to make payments until satisfied. (AE D.)
1.f. \$264 charged-off debt	Joint line of credit account opened Nov. 2005; high credit \$269; used to pay a utility bill (Tr. 49); last activity Mar. 2010; \$264 balance in collection Sep. 2011; charged off as of Jul. 2013. (GEs 3, 5; AE C.)	Paid \$50 Mar. 6, 2014 (AE J); plans to continue to make payments until satisfied. (AE G.)
1.g. \$11,558 charged-off debt	Same debt as SOR 1.d.	
1.h. \$500 charged-off debt	Account opened Jul. 2005; last activity May 2006; \$500 credit limit; \$691 high credit; charged off and sold as of Nov. 2007 to the collection agent in SOR 1.o; \$625 balance as of Oct. 2011 (GEs 3, 4.)	No payments as of Mar. 2014; no longer on credit report. (AE C.)
1.i. \$2,055 charged-off debt	Revolving charge opened Oct. 1998; \$2,055 high credit; last activity Jun. 2006; charged off Feb. 2007, sold to another lender; possibly brought to judgment (SOR 1.c). ⁵ (GEs 3, 4.)	No payments but also reported as zero balance after transfer. (GEs 3, 4.)
1.j. \$5,505 charged-off debt	Credit card opened Feb. 2006; last activity Jun. 2006; credit limit \$5,505; \$6,471 balance as of Jan. 2007; \$8,083 for collection Sep. 2011; \$10,615 balance Feb. 2013. ⁶ (GEs 3, 4.)	See SOR 1.a.

⁵ The debt reportedly had a zero balance after transfer. It could have been purchased by the bank that acquired the \$5,920 judgment in SOR 1.c (see AE I), although the account number for the debt in SOR 1.i does not match that of the debt in SOR 1.c on Applicant's November 2011 credit report (see GE 3).

⁶ Applicant admitted all of the debts in the SOR. However, from the account numbers, it appears that some of the debts are duplicated in the SOR. The account number for the credit card debt in SOR 1.j matches that of a debt in collection with a balance of \$10,615 as of February 2013. It is likely the same debt as the judgment in SOR 1.a (see AE H), although the original named creditors are not the same. The debt in SOR 1.g, which had a \$10,614 balance as of October 2011, is likely an updated balance of the judgment debt in SOR 1.d.

1.k. \$2,000 charged-off debt	Same debt as SOR 1.n. ⁷	
1.l. \$2,603 collection debt	Credit card debt; last activity Jun. 2006; \$2,218 high credit; \$2,603 for collection Oct. 2011. (GEs 3, 4.)	No payment as of Mar. 2014; no longer on credit report. (AE C.)
1.m. \$1,985 collection debt	\$1,493 high credit; last activity Jun. 2006; \$1,867 for collection Jul. 2007; \$1,985 collection balance Feb. 2013. (GEs 3, 4.)	No payment as of Mar. 2014; no longer on credit report. (AE C.)
1.n. \$2,729 collection debt	Credit card opened Nov. 2004; high credit \$2,728; last activity Apr. 2006; in collection Dec. 2006; \$2,729 balance as of Oct. 2011. (GEs 3, 4.)	No payment as of Mar. 2014; no longer on credit report. (AE C.)
1.o. \$625 collection debt	Same debt as SOR 1.h	
1.p. \$117 collection debt	\$117 in collection Jan. 2006; creditor not identified. (GE 3.)	No payments as of Mar. 2014; no longer on credit report. (AE C.)

On March 1, 2013, the DOD CAF asked Applicant about his efforts to resolve his delinquent debts. He responded on May 16, 2013. With respect to the debts involved in the inquiry, including the previously disputed \$87 debt, Applicant responded, "I have talked to creditor[s] and informed them that they will be paid when I retire in 2 years and sell our house. The money will come from equity in the house." Applicant asked that the DOD CAF consider his "31-plus year" contributions to a military program without any security violations. Applicant provided a Personal Financial Statement (PFS) showing monthly net discretionary income of only \$3 after paying the household living expenses and \$50 a month toward one credit card, which had a \$500 balance.⁸ Applicant reported zero bank savings. His home, on which he owed \$260,000, was reportedly valued at \$358,000. (GE 2.)

Applicant was late in his home loan payment in December 2013, but for the most part, he has paid his mortgage on time. As of January 2014, the principal balance of his mortgage was \$252,996. (AE A.) His residential property was valued around \$386,500. (AE B.) There are currently seven liens against his home because of his nonpayment of his debts. (Tr. 32.)

At his February 2014 security clearance hearing, Applicant testified about his desire to make some payments toward his debts to show his good will to his creditors. He testified

⁷ Applicant believes the credit card debt (SOR 1.k in collection in SOR 1.n) is one of the judgments. (GE 2.) It could be the judgment in SOR 1.b, but the evidence is unclear.

⁸ Applicant testified that his living expenses vary from month to month, so his net discretionary income is an estimate at best. (Tr. 41.)

that his two sons were going to try and help him financially because he could not jeopardize his employment by continuing to do nothing about his debts. His younger son is a policeman and able to help him. (Tr. 41-42.) Applicant had trouble verifying who currently holds his accounts because some have been sold or collection activity transferred. (Tr. 20, 39.) He did not know who held many of his accounts, and could not identify which accounts, if any, might be duplicated in the SOR. (Tr. 50.) He had about \$800 in checking account deposits. (Tr. 44.) Applicant had one open credit card account, which he opened in August 2010. The account had a current balance of \$355 as of February 2014. (AE C; Tr. 54.)

On March 6, 2014, Applicant made \$50 payments to six creditors. He expressed his intent to his creditors to continue to make payments on the debts until they are fully satisfied. (AEs D-J.) Applicant has had no financial counseling. (Tr. 34.) He has had no salary increases in the last three or four years. (Tr. 23-24.) Applicant also does not have a pension or any 401(k) assets. (Tr. 59.)

Applicant has held a security clearance for approximately 32 years without any evidence of any violations. Applicant does not access classified information in his duties, but he requires a security clearance to work in his building. (Tr. 38.)

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 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.

Guideline F articulates several conditions that could raise security concerns. AG ¶ 19(a), “inability or unwillingness to satisfy debts,” and AG ¶ 19(c), “a history of not meeting financial obligations,” are implicated by Applicant’s record of delinquent debts. The evidence establishes that Applicant had four financial judgments totaling \$23,396 (SOR 1.a-1.d) entered against him between October 2007 and April 2008. Due to accrued interest, Applicant could now owe as much as \$31,584 on the accounts.⁹ At least seven other consumer credit accounts totaling \$8,410 (SOR 1.e, 1.f, 1.h, 1.l-1.n, and 1.p) were charged off or placed for collection between 2006 and 2011.¹⁰

⁹ The \$7,432 judgment in SOR 1.a could now be as high as \$10,615, which is the collection balance reported by the creditor in SOR 1.j. The collection agency for the \$6,593 judgment creditor in SOR 1.d (duplicated in SOR 1.g) is reporting an unpaid balance of \$11,558.

¹⁰ This \$8,410 assumes that the \$10,615 credit card debt in SOR 1.j is covered by the judgment in SOR 1.a; that the \$11,558 credit card debt in SOR 1.g is the same debt as the judgment in 1.d; that SOR 1.k and 1.n are the same debt; that SOR 1.h and 1.o are the same debt; and that the debt in SOR 1.i is covered by the judgment in SOR 1.c. It has not been shown to represent an additional balance.

Mitigating condition AG ¶ 20(a), “the behavior happened so long ago, was so infrequent, or occurred under circumstances that it is unlikely to recur and does not cast doubt on the individual’s current, reliability, or good judgment,” does not apply. While most of the debts (e.g., SOR 1.a, 1.d, 1.h, 1.l-1.n, and 1.p) were incurred more than five years ago, AG ¶ 20(a) does not mitigate debts that have been long delinquent and are still outstanding.

Applicant explained that he had to rely on consumer credit cards to cover some living expenses and also about \$12,000 in medical costs associated with treatment for a serious medical illness diagnosed in 2008. In addition, he aided his sister and father financially, although he kept no record of those expenditures. A medical emergency is a mitigating circumstance under AG ¶ 20(b):

(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.

Of the \$12,000 in estimated expenditure for his own medical care, about \$8,800 would have been for his surgery in May 2008,¹¹ so the surgery does not explain why he stopped paying on several consumer credit accounts in 2006. Even assuming the delinquencies were caused by having to pay for medically necessary care, such as diagnostic testing, and living expenses for him and close family members, it is difficult to find that he acted responsibly toward his creditors between 2011 and February 2014. His sister and father died in June 2009 and December 2010, respectively, so he should have been in a better position financially to begin to address his debts in 2011. Applicant may have had lingering medical issues that led to lost time at work, but I cannot speculate about the extent of any income loss. Applicant’s response to his creditors’ demand for full payment, that he would pay his debt when he retires, could explain the lack of any settlement offers and the unwillingness of his creditors to work with him on his debts. Applicant’s years of disregard of four financial court judgments is not fully mitigated under AG ¶ 20(b).

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,” are minimally established. Estimated market value for his residence and mortgage loan information shows that he has about \$130,000 in equity in his home, provided he can sell it for around \$386,000. While a potentially feasible plan to resolve his debts, a promise of satisfaction at some future date satisfies neither AG ¶ 20(c) nor AG ¶ 20(d). As of February 2014, Applicant intended to start repaying his debts as a show of his good faith, but he could not confirm who held his debts or their balances. On March 10, 2014, Applicant forwarded checks showing \$50 payments on six debts along

¹¹ See footnote 1. Applicant was responsible for paying the first \$3,000 and then 20% of the remaining costs for his \$32,000 surgery.

with letters expressing his intent to continue payments. The checks had not yet cleared his account, although he had sufficient bank deposits (\$800) as of his hearing to cover the checks. A single payment to a creditor is not enough to demonstrate a track record of repayment in light of his delinquency history. Applicant has not had any financial counseling, which could have alerted him to the importance of maintaining good credit.

AG ¶ 20(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,” applies to those SOR allegations which were not shown to represent additional debt balances (SOR 1.g, 1.i., 1.j, 1.k, and 1.o). While Applicant had disputed the \$87 telephone debt in SOR 1.e, he made a payment of \$50 to the original creditor on March 6, 2014. (AE J).

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).¹²

Applicant began falling behind in his debt payments in 2006. Available credit records show a date in 2006 for last activity on several accounts. Serious medical problems understandably placed a stress on Applicant’s finances around 2008 if not before then. The emotional toll caused by serious medical issues for him and close family members is partially extenuating of the delay in addressing debts incurred for medical care. The primary concern that persists is whether Applicant did all he could to address his delinquencies once the medical crises passed. As of his OPM interview in November 2011, Applicant knew he had liens on his residence for nonpayment of debts. He indicated that he tried to arrange for repayment, but the creditors were not willing to work with him. Applicant was unsure of who held his accounts. As of February 2014, he had taken little to no action to even determine updated balances of the court judgments. His disregard of these legitimate financial obligations is inconsistent with the sound judgment that must be demanded of persons with a DOD security clearance.

The record was held open for him to submit evidence of any income loss, medical expenditures, creditor correspondence and contacts, debt payments, and other matters that could explain his years of inaction on his debts. After his hearing, he submitted evidence of letters to six of his creditors and checks drafted in the amount of \$50 on March

¹² 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.

6, 2014. He indicated in his letters that he would “keep sending money until this debt is fully paid off.” In making the whole-person assessment required under the Directive, the DOHA Appeal Board has held that an applicant is not required, as a matter of law, to establish resolution of every debt alleged in the SOR. An applicant need only establish a plan to resolve financial problems and take significant actions to implement the plan. See ISCR Case No. 07-06482 at 2-3 (App. Bd. May 21, 2008). Applicant waited until just before the deadline for any further evidence to draft letters to his creditors. Available information does not show that the letters and checks had been mailed. Applicant could reasonably be expected to have acted with greater urgency to make those payments than he displayed. I do not doubt the sincerity of his stated intent to continue to make payments. His credibility is bolstered by his disclosure of his financial problems on his e-QIP. Yet, given his reported \$3 in net discretionary income each month, it is difficult to see how he can afford to continue to make the promised payments without outside financial help.

Applicant has held a security clearance for over 30 years with no apparent violations. Nonetheless, it is well settled that once a concern arises regarding an applicant’s security clearance eligibility, there is a strong presumption against the grant or renewal of a security clearance. See *Dorfmont v. Brown*, 913 F. 2d 1399, 1401 (9th Cir. 1990). After considering the facts and circumstances before me in light of the adjudicative guidelines, I cannot conclude at this time that it is clearly consistent with the national interest to continue Applicant’s security clearance eligibility at this time.

Formal Findings

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

Paragraph 1, Guideline F:	AGAINST APPLICANT
Subparagraph 1.a:	Against Applicant
Subparagraph 1.b:	Against Applicant
Subparagraph 1.c:	Against Applicant
Subparagraph 1.d:	Against Applicant
Subparagraph 1.e:	Against Applicant
Subparagraph 1.f:	Against Applicant
Subparagraph 1.g:	For Applicant
Subparagraph 1.h:	Against Applicant
Subparagraph 1.i:	For Applicant
Subparagraph 1.j:	For Applicant
Subparagraph 1.k:	For Applicant
Subparagraph 1.l:	Against Applicant
Subparagraph 1.m:	Against Applicant
Subparagraph 1.n:	Against Applicant
Subparagraph 1.o:	For Applicant
Subparagraph 1.p:	Against Applicant

Conclusion

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

Elizabeth M. Matchinski
Administrative Judge