



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



In the matter of:)	
)	
REDACTED)	ISCR Case No. 15-01764
)	
Applicant for Security Clearance)	

Appearances

For Government: Daniel F. Crowley, Esq., Department Counsel
For Applicant: *Pro se*

12/09/2016

Decision

MENDEZ, Francisco, Administrative Judge:

On September 21, 2015, the Department of Defense (DOD) Consolidated Adjudications Facility (CAF) sent Applicant a Statement of Reasons (SOR) alleging that his circumstances raised security concerns under the financial considerations guideline.¹ Applicant answered the SOR and requested a hearing to establish his eligibility for access to classified information.

On August 25, 2016, a date mutually agreed to by the parties, a hearing was held. After receipt of the transcript and the record closed, I provided written notice to the parties of my intent to resolve the case through a summary disposition in Applicant's favor. Department Counsel indicated that the Government did not object to my proposed resolution of the matter in this fashion. See Appellate Exhibit I.

Applicant mitigated security concerns raised by his past financial problems. He incurred delinquent debt while going to graduate school in State A, and also attempting

¹ This action was taken under Executive Order (E.O.) 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.

to pay his former spouse's expenses while she was residing in State B. His ex-wife made unauthorized credit purchases using his information after they were legally separated. His financial situation was also negatively impacted by a long period of unemployment and underemployment after attaining his master's degree.

Applicant presented sufficient evidence, including an ample amount of documentation substantiating his testimony that he addressed, paid, settled, or is currently paying his past-due debts (or, a reasonable basis upon which to dispute the accuracy of the debt). Additionally, he has been repaying his student loans on a consistent monthly basis for the past four years. He is now remarried and his current spouse is gainfully employed. Applicant and his wife earn a combined yearly income exceeding \$140,000, and he is in line for a job promotion that will earn him an additional \$10,000 to \$15,000. As a first-time new father, Applicant has taken fiscally prudent steps to manage his finances going forward, including trading in his former car for a used, four-door sedan that is fully paid. After a thorough review of the record evidence, I find that the mitigating conditions listed at AG ¶¶ 20(a) – 20(e) apply.

The security concerns over Applicant's past financial problems do not create doubt about his current reliability, trustworthiness, good judgment, and ability to protect classified information. In reaching this conclusion, I weighed the evidence as a whole and considered if the favorable evidence outweighed the unfavorable evidence or *vice versa*. I also gave due consideration to the whole-person concept. Accordingly, I conclude that Applicant met his burden of persuasion to show that it is clearly consistent with the national interest to grant him eligibility for access to classified information. Applicant's request for a security clearance is granted.

Francisco Mendez
Administrative Judge