



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



In the matter of:	)	
	)	
REDACTED	)	ISCR Case No. 15-02213
	)	
Applicant for Security Clearance	)	

**Appearances**

For Government: Candace L. Garcia, Esq., Department Counsel  
For Applicant: *Pro se*

11/25/2016

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**Decision**

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MENDEZ, Francisco, Administrative Judge:

On December 8, 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.<sup>1</sup> Applicant answered the SOR and requested a hearing to establish his eligibility for access to classified information.

On September 22, 2016, I convened a hearing. 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 and met his heavy burden of persuasion for access to classified information. His past

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<sup>1</sup> 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.

financial problems were primarily attributable to matters beyond his control, namely, periods of unstable employment and his wife's serious medical issue (cancer). After falling behind on some debts, Applicant attempted to modify his mortgage. The creditor kept changing hands and losing his modification paperwork, exacerbating his already troubled financial situation. Applicant satisfied his delinquent home mortgage through an agreed-upon short sale. As of the close of the record, Applicant had satisfied or otherwise resolved all the SOR debts, except the debt listed in SOR 1.h. He has been paying this debt through an agreed-upon payment plan that was established in about December 2015. He has been making consistent monthly payments and will finish paying off the debt in less than one year.

In addition to responsibly addressing the SOR debts, Applicant also demonstrated that he currently manages his finances in a responsible manner. Notably, he reduced his expenses by moving from his home to a modest apartment with a monthly rental cost that is nearly half his previous monthly mortgage payments. His children have all moved out of the house except for his one minor child. This change in circumstances has permitted Applicant to further reduce his monthly expenses. His current job situation is stable. His wife has returned to full-time employment, and her cancer is in full remission. Applicant and his wife together earn nearly \$200,000. After a thorough review of the record evidence, I find that the mitigating conditions listed at AG ¶¶ 20(a) – 20(d) apply.

The security concerns over Applicant's history of 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.

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Francisco Mendez  
Administrative Judge