



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



In the matter of:

Applicant for Public Trust Position

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ADP Case No. 15-02662

Appearances

For Government: Chris Morin, Esquire, Department Counsel

For Applicant: *Pro se*

08/17/2016

Decision

GALES, Robert Robinson, Administrative Judge:

Applicant failed to mitigate the trustworthiness concerns regarding financial considerations. Eligibility to occupy a public trust position is denied.

Statement of the Case

On November 9, 2012, Applicant applied for a public trust position and submitted an Electronic Questionnaire for Investigations Processing (e-QIP).¹ On October 17, 2015, the Department of Defense (DOD) Consolidated Adjudications Facility (CAF) issued a Statement of Reasons (SOR) to her, pursuant to DOD Regulation 5200.2-R, *Personnel Security Program*, dated January 1987, as amended and modified (Regulation); DOD Directive 5220.6, *Defense Industrial Personnel Security Clearance Review Program* (January 2, 1992), as amended and modified (Directive); and *Adjudicative Guidelines for Determining Eligibility For Access to Classified Information* (effective within the DOD on September 1, 2006) (AG) for all adjudications and other determinations made under the Directive. The SOR alleged trustworthiness concerns under Guideline F (Financial Considerations), and detailed reasons why the DOD

¹ GE 1 (e-QIP, dated November 9, 2012).

adjudicators were unable to make an affirmative finding under the Directive that it is clearly consistent with the interests of national security to grant or continue Applicant's eligibility for occupying a public trust position to support a contract with the DOD. The SOR recommended referral to an administrative judge to determine whether such eligibility should be granted, continued, denied, or revoked.

Applicant acknowledged receipt of the SOR on November 6, 2015. In a sworn statement, dated November 23, 2015, Applicant responded to the SOR allegations and requested a hearing before an administrative judge. On February 29, 2016, Department Counsel indicated the Government was prepared to proceed. The case was assigned to me on March 23, 2016. A Notice of Hearing was issued on April 28, 2016. I convened the hearing, as scheduled, on May 17, 2016.

During the hearing, three Government exhibits (GE 1 through GE 3), two Applicant exhibits (AE A and AE B), and one administrative exhibit, were admitted into evidence without objection. Applicant testified. The transcript (Tr.) was received on May 24, 2016. I kept the record open to enable Applicant to supplement it. Applicant chose not to take advantage of that opportunity. The record closed on June 7, 2016.

Findings of Fact

In her Answer to the SOR, Applicant admitted only one of the factual allegations pertaining to financial considerations (§ 1.a.) of the SOR. She denied the remaining allegations. Applicant's admissions are incorporated herein as findings of fact. After a complete and thorough review of the evidence in the record, and upon due consideration of same, I make the following additional findings of fact:

Applicant is a 31-year-old employee of a defense contractor. She has been an accountant clerk for a defense contractor since January 2012. She is seeking to obtain her eligibility for occupying a public trust position to support a contract with the DOD. She is a 2003 high school graduate with a 2011 associate's degree and a 2012 bachelor's degree.² She has never served in the U.S. military.³ Applicant has never been married.⁴ She has a daughter, born in 2006.⁵

² Tr. at 54-55.

³ GE 1, *supra* note 1, at 18.

⁴ Tr. at 55.

⁵ GE 1, *supra* note 1, at 21; Tr. at 53, 55.

Financial Considerations⁶

It is unclear when Applicant first started experiencing financial difficulties. A review of her e-QIP reveals that as a result of the suspension of her driver's license in 2009, she allowed her automobile to be repossessed because she would have been unable to drive it. She indicated the account had been charged off and that it had been paid in full in August 2012.⁷ Applicant also indicated that she had been fired from her employment in February 2011, and that she remained unemployed until September 2011.⁸ Her December 2012 credit report lists a substantial number of delinquent accounts that were placed for collection, charged off, or went to judgment. During the hearing, Applicant attributed her financial difficulties to "life things. I don't know, in particular, like every single thing."⁹

The SOR identified 26 purportedly continuing delinquent accounts, totaling approximately \$33,694 (not including the entire \$103,054 balance of a mortgage), as reflected by the December 2012 credit report¹⁰ and the March 2015 credit report.¹¹ Applicant's Answer to the SOR was either a simple "I admit" or "I deny" without any other explanations. During the hearing, Applicant acknowledged that she merely "skimmed over" the three documents (GE 1 through GE 3) that Department Counsel had previously sent her. Applicant recognized some of the accounts listed in the SOR. She claimed she filed disputes to some accounts that she did not recognize. She also stated that she made some payments to other creditors. However, Applicant failed to submit any documentation to support her contentions regarding contacts made with creditors or the existence of any payments made to them. Those debts and their respective current status, according to the credit reports, other evidence submitted by the Government and Applicant, and Applicant's comments regarding same, are described below:

SOR ¶ 1.a.: This is a mortgage with an unpaid balance of \$103,981 that was past-due \$2,932 after Applicant started skipping her monthly mortgage payments of \$733 in November 2014.¹² Her last payment was made in July 2015.¹³ After supposedly speaking with a representative of the mortgage lender, Applicant received a mortgage

⁶ General source information pertaining to the financial accounts discussed below can be found in the following exhibits: GE 1, *supra* note 1; GE 2 (Combined Experian, TransUnion, and Equifax Credit Report, dated December 12, 2012); GE 3 (Equifax Credit Report, dated March 5, 2015); AE A (Experian Credit Report, dated January 27, 2016); AE B (TransUnion Credit Report, dated January 28, 2016); Applicant's Answer to the SOR, dated November 23, 2015.

⁷ GE 1, *supra* note 1, at 30-31.

⁸ GE 1, *supra* note 1, at 13-14.

⁹ Tr. at 29.

¹⁰ GE 2, *supra* note 6.

¹¹ GE 3, *supra* note 6.

¹² GE 3, *supra* note 6, at 1; AE B, *supra* note 6, at 2.

¹³ Tr. at 34.

modification application, but she chose not to complete it because she did not want or need a loan modification.¹⁴ The week before the hearing, Applicant received documents related to a notice of foreclosure, but she simply “skimmed” them and did not read them.¹⁵ Applicant claims to be working with a company to assist her with her mortgage to obtain a modification or to have certain amounts forgiven.¹⁶ Applicant failed to submit any documentation to support her contentions that she is working with anyone to bring her mortgage back to a current status. The account remains unresolved.

Applicant denied all of the remaining accounts listed in the SOR either because she was unaware of the identity of the creditor or collection agent, she disagreed with some fact in the allegation, or the debt had supposedly been resolved. Some of the accounts were disputed with the credit reporting agencies. Applicant failed to submit any documentation to support the existence of contacts with creditors, repayment efforts, repayment agreements, payments, or successful disputes. Those accounts are as follows: an unspecified type of account with a past-due balance of \$1,181 (SOR ¶ 1.b.); a university online account with an unpaid balance of \$144 (SOR ¶ 1.c.); a medical account with an unpaid balance of \$139 (SOR ¶ 1.d.);¹⁷ an automobile loan that resulted in a repossession and then a judgment in the amount of \$7,283. Applicant contends she settled the account with “maybe” a \$2,000 payment (SOR ¶ 1.e.).¹⁸

There are also an unspecified type of account with a past-due balance of \$4,469 that Applicant disputed (SOR ¶ 1.f.); a utility account with a past-due balance of \$176 (SOR ¶ 1.g.); a utility account with a past-due balance of \$45 (SOR ¶ 1.h.); an education account for which \$1,900 was charged off in July 2011 (SOR ¶ 1.i.); an apartment lease account with an unpaid balance of \$4,233 (SOR ¶ 1.j.); a furniture rental account with an unpaid balance of \$2,958 (SOR ¶ 1.k.); an unspecified type of account with an unpaid balance of \$1,640 (SOR ¶ 1.l.); an apartment lease account with an unpaid balance of \$1,440 (SOR ¶ 1.m.); a medical account with an unpaid balance of \$805 that Applicant disputed (SOR ¶ 1.n.); a fitness center account with an unpaid balance of \$799 (SOR ¶ 1.o.); an unspecified type of loan account with a remaining balance of \$760 (SOR ¶ 1.p.); a medical account with an unpaid balance of \$521 (SOR ¶ 1.q.); a medical account with an unpaid balance of \$517 (SOR ¶ 1.r.); a medical account with an unpaid balance of \$381 (SOR ¶ 1.s.); a medical account with an unpaid balance of \$330 (SOR ¶ 1.t.); a medical account with an unpaid balance of \$321 (SOR ¶ 1.u.); a medical account with an unpaid balance of \$233 (SOR ¶ 1.v.); a medical account with an unpaid balance of \$195 (SOR ¶ 1.w.) that Applicant disputed; a satellite television account with an unpaid balance of \$157 (SOR ¶ 1.x.); a public library account with an unpaid balance of \$102 (SOR ¶ 1.y.); and a returned check made out to a

¹⁴ Tr. at 34-35.

¹⁵ Tr. at 32.

¹⁶ Tr. at 30-36.

¹⁷ Upon the motion of Department Counsel to conform to the evidence presented, and there being no objection by Applicant, SOR ¶ 1.d. was amended by substituting the year “2015” for the year “2013.” Tr. at 64-65.

¹⁸ Tr. at 39-41, 59.

university with an unpaid balance of \$33 (SOR ¶ 1.z.). In the absence of any documentation related to the accounts, indicating contacts with creditors, resolution efforts, and payments, the accounts remain unresolved.

Applicant estimated that on the date of the hearing she had “maybe” \$1,500 in her checking account and “probably” \$1,000 in her savings account. She also has a 401(k) retirement account with an unknown balance.¹⁹ She received a refund of \$4,000 from the Internal Revenue Service (IRS) and \$7000 from the state for her 2015 income taxes. She paid bills and bought what she needed with the funds.²⁰ Although Applicant was asked to quantify her monthly income, expenses, and remainder, aside from stating that she receives \$93 per week in child support,²¹ and usually has a monthly remainder of “maybe a few hundred,”²² she was unable to furnish any other specific financial information. Applicant has never received credit counseling.²³ She maintains a very rudimentary style of budget by merely listing her incoming bills,²⁴ without explaining how she chooses which bills to pay.

Applicant contends that other than the SOR debts, she has no delinquent debts.²⁵ She appears to be mistaken. Applicant purchased a 2012 automobile in February 2013 with a loan for approximately \$19,339. Between January 2015 and December 2015, she had been 30 days delinquent on her monthly payment of \$323 on three occasions, including December 2015, as of January 28, 2016.²⁶ She opened a charge account in August 2015 with a credit limit of \$800, but from November 2015 through at least January 2016, she failed to make modest monthly payments of \$44 or \$45, and as of January 28, 2016, the account was 90 days past due.²⁷

As noted above, Applicant was afforded the opportunity to supplement the record with documentation, including foreclosure documents pertaining to her residence, repossession, settlement, and payment documents pertaining to her automobile, a personal financial statement, evidence of contacts with creditors, and dispute documents. She indicated that “bringing up old stuff” caused her more stress, and her main focus is on her mortgage.²⁸ Applicant did not submit any such documentation. It

¹⁹ Tr. at 48-50.

²⁰ Tr. at 51-52.

²¹ Tr. at 53-54.

²² Tr. at 42.

²³ Tr. at 52.

²⁴ Tr. at 44.

²⁵ Tr. at 52-53.

²⁶ Tr. at 50; AE B, *supra* note 6, at 1.

²⁷ AE B, *supra* note 6, at 2.

²⁸ Tr. at 61-63.

appears that Applicant's financial problems are not any closer to becoming under control.

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 [position of public trust].”²⁹ 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. Positions designated as ADP-I and ADP-II are classified as “sensitive positions.”³⁰ “The standard that must be met for . . . assignment to sensitive duties is that, based on all available information, the person’s loyalty, reliability, and trustworthiness are such that . . . assigning the person to sensitive duties is clearly consistent with the interests of national security.”³¹ Department of Defense contractor personnel are afforded the right to the procedures contained in the Directive before any final unfavorable access determination may be made.³²

When evaluating an applicant’s suitability for a public trust position, 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 a public trust position.

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 common sense 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.

In the decision-making process, facts must be established by “substantial evidence.”³³ 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

²⁹ *Department of the Navy v. Egan*, 484 U.S. 518, 528 (1988).

³⁰ Regulation ¶¶ C3.1.2.1.1.7, C3.1.2.1.2.3, and C3.1.2.2. See also Regulation app. 10, ¶ 10.2.

³¹ Regulation ¶ C6.1.1.1.

³² Regulation ¶ C8.2.1.

³³ “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).

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.³⁴

A person who seeks access to sensitive 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 sensitive information. Decisions include, by necessity, consideration of the possible risk the applicant may deliberately or inadvertently fail to safeguard sensitive information. Such decisions entail a certain degree of legally permissible extrapolation as to potential, rather than actual, risk of compromise of sensitive information. Furthermore, security clearance determinations, and by inference, public trust determinations, should err, if they must, on the side of denials.³⁵ 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 trustworthiness concern relating to the guideline 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 [sensitive] 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 trustworthiness 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 trustworthiness concerns. At some point before 2012, Applicant had insufficient money to maintain all of her monthly payments. Various accounts became delinquent and were placed for collection, charged off, or sent to judgment. Some accounts were sold to debt purchasers. AG ¶¶ 19(a) and 19(c) have been established.

³⁴ See ISCR Case No. 02-31154 at 5 (App. Bd. Sep. 22, 2005).

³⁵ *Egan*, 484 U.S. at 531.

The guideline also includes examples of conditions that could mitigate trustworthiness 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 trustworthiness 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.”³⁶ In addition, AG ¶ 20(e) may apply if “the individual has a reasonable basis to dispute the legitimacy of the past-due debt which is the basis of the dispute or provides evidence of actions to resolve the issue.”

AG ¶ 20(b) minimally applies. AG ¶¶ 20(a), 20(c), 20(d), and 20(e) do not apply. The nature, frequency, and recency of Applicant’s continuing financial difficulties make it difficult to conclude that it occurred “so long ago” or “was so infrequent.” While Applicant generalized certain factors as contributing to her financial problems, she never specifically attributed any particular factors to her financial situation. Applicant offered no documentary evidence of a good-faith effort to resolve any of her accounts. She has continued to reside in her home without making any monthly mortgage payments since July 2015. Over the years, she failed to pay or resolve accounts with balances as low as \$33, \$45, and \$102. As for her disputes, without ever attempting to contact the creditors or collection agents to determine the legitimacy of the debts, Applicant merely “disputed” certain accounts because she did not recognize the identified creditor or collection agent. She failed to articulate a reasonable basis to dispute the legitimacy of those debts. Merely disputing certain accounts because they were not recognized, without substantially more, is not sufficient to prove those disputes. In this instance, Applicant should have had greater familiarity with her various accounts, or an enhanced interest in following through on disputed issues.

³⁶ 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)).

Trustworthiness adjudications are aimed at evaluating an applicant's judgment, reliability, and trustworthiness. They are not a debt-collection procedure. The adjudicative guidelines do not require an applicant to establish resolution of each and 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. There is no requirement that an applicant immediately resolve or make payments on all delinquent debts simultaneously, nor is there a requirement that the debts alleged in an SOR be paid first. Rather, a reasonable plan and concomitant conduct may provide for the payment of such debts one at a time. In this instance, there is a verbal alleged plan to finally focus on saving her house from foreclosure, to the exclusion of any efforts regarding the 25 other debts, but there is no documentation to support the existence of such a plan.

In this instance, there are purported actions taken, but there is no documentation to support the existence of any of Applicant's claimed actions or payments. She failed to submit any proposed repayment plan related to her accounts with a repayment schedule, or repayment arrangements supposedly entered into with various creditors, or proof of past payments. Applicant has not acted responsibly by failing to timely address her delinquent accounts or the judgments filed against her.³⁷ Applicant's relative inaction under the circumstances confronting her cast substantial doubt on her current reliability, trustworthiness, and good judgment.³⁸

There is no evidence to indicate that Applicant ever received financial counseling. Based on the information furnished, it is unclear if Applicant has any funds remaining at the end of each month for discretionary use or savings. She was reluctant to reveal any specifics regarding her current financial situation. There is no evidence to reflect that Applicant's financial problems are under control. To the contrary, the overwhelming evidence leads to the conclusion that Applicant's financial problems are not under control.

Whole-Person Concept

Under the whole-person concept, the administrative judge must evaluate an applicant's eligibility for a public trust position 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

³⁷ "Even if Applicant's financial difficulties initially arose, in whole or in part, due to circumstances outside his [or her] control, the Judge could still consider whether Applicant has since acted in a reasonable manner when dealing with those financial difficulties." ISCR Case No. 05-11366 at 4 n.9 (App. Bd. Jan. 12, 2007) (citing ISCR Case No. 99-0462 at 4 (App. Bd. May 25, 2000); ISCR Case No. 99-0012 at 4 (App. Bd. Dec. 1, 1999); ISCR Case No. 03-13096 at 4 (App. Bd. Nov. 29, 2005)). A component is whether he or she maintained contact with creditors and attempted to negotiate partial payments to keep debts current.

³⁸ See ISCR Case No. 09-08533 at 3-4 (App. Bd. Oct. 6, 2010).

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 public trust position must be an overall commonsense judgment based upon careful consideration of the guidelines and the whole-person concept. Moreover, I have evaluated this case in light of the totality of the record evidence and have not merely performed a piecemeal analysis.³⁹

There is some evidence in favor of mitigating Applicant's conduct. There is no evidence of misuse of information technology systems, mishandling protected information, or substance abuse. Applicant has worked with the same employer since January 2012.

The disqualifying evidence is more substantial and compelling. Applicant admitted one allegation in the SOR associated with her home mortgage, and that residence is now in the foreclosure process after Applicant stopped making her monthly mortgage payments approximately one year ago. Nevertheless, she continued to reside in the residence. She contended she settled and paid off the judgment on her repossessed automobile, but she failed to submit any documentation such as receipts, cancelled checks, account records, etc., to support her contentions. She said she paid unspecified bills and bought what she needed with her income tax refunds, but failed to identify any payments made for her delinquent debts. Applicant has failed to take any positive action to resolve any of the SOR accounts. Although she was urged to submit documentation to support any of her contentions, she failed to submit such materials. She has not received any financial counseling. There are clear indications that Applicant's financial problems are no closer to becoming under control.

The Appeal Board has addressed a key element in the whole-person analysis in financial cases stating:

In evaluating Guideline F cases, the Board has previously noted that the concept of "meaningful track record" necessarily includes evidence of actual debt reduction through payment of debts." However, an applicant is not required, as a matter of law, to establish that he [or she] has paid off each and every debt listed in the SOR. All that is required is that an applicant demonstrate that he [or she] has ". . . established a plan to resolve his [or her] financial problems and taken significant actions to implement that plan." The Judge can reasonably consider the entirety of an applicant's financial situation and his [or her] actions in evaluating the

³⁹ 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).

extent to which that applicant's plan for the reduction of his outstanding indebtedness is credible and realistic. See Directive ¶ E2.2(a) ("Available, reliable information about the person, past and present, favorable and unfavorable, should be considered in reaching a determination.") There is no requirement that a plan provide for payments on all outstanding debts simultaneously. Rather, a reasonable plan (and concomitant conduct) may provide for the payment of such debts one at a time. Likewise, there is no requirement that the first debts actually paid in furtherance of a reasonable debt plan be the ones listed in the SOR.⁴⁰

Applicant has demonstrated a poor track record of debt reduction and elimination efforts. She seemed somewhat disinterested in the financial issues and acknowledged that she had merely "skimmed" her credit reports. She offered generalities but no specifics regarding her current financial situation.

Overall, the evidence leaves me with substantial questions and doubts as to Applicant's eligibility and suitability for a position of public trust. For all of these reasons, I conclude Applicant has failed to mitigate the trustworthiness concerns arising from her financial considerations. See AG ¶ 2(a)(1) through AG ¶ 2(a)(9).

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

Subparagraphs 1.a. through 1.z.: Against Applicant

Conclusion

In light of all of the circumstances presented by the record in this case, it is not clearly consistent with the interests of national security to grant Applicant eligibility to occupy a public trust position to support a contract with DOD. Eligibility is denied.

ROBERT ROBINSON GALES
Administrative Judge

⁴⁰ ISCR Case No. 07-06482 at 2-3 (App. Bd. May 21, 2008) (internal citations omitted).