



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



In the matter of:

Applicant for Security Clearance

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ISCR Case No. 15-04332

Appearances

For Government: Robert J. Kilmartin, Esq., Department Counsel

For Applicant: *Pro se*

12/06/2016

Decision

COACHER, Robert E., Administrative Judge:

On February 29, 2016, the Department of Defense (DOD) issued a Statement of Reasons (SOR) to Applicant detailing security concerns under Guideline F, financial considerations. The action was taken under Executive Order (EO) 10865, *Safeguarding Classified Information within Industry* (February 20, 1960), as amended; DOD Directive 5220.6, *Defense Industrial Personnel Security Clearance Review Program* (January 2, 1992), as amended (Directive); and the adjudicative guidelines (AG) implemented by the DOD on September 1, 2006.

Applicant responded to the SOR on March 22, 2016, and requested a hearing before an administrative judge. The case was assigned to me on May 24, 2016. The hearing was held as scheduled on August 25, 2016. On November 30, 2016, I proposed that this case was appropriate for a summary disposition in Applicant's favor. Department Counsel did not object.

Applicant worked in a combat zone overseas for two years. He hired a CPA to handle his taxes, but they were done incorrectly and Applicant incurred tax liability from two different states and the federal government. He presented documentary evidence showing that he paid all his state and federal tax liability. The SOR also alleged five

other debts totaling \$3,672. Applicant provided documentation showing that these debts have all been resolved. The evidence established that Applicant's current finances are in good order. Based on the record evidence as a whole, I conclude that the security concerns are mitigated under the following mitigating conditions: AG ¶¶ 20(a), 20(b), 20(c), and 20(d).

The 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. I also gave due consideration to the whole-person concept. Accordingly, I conclude that he met his ultimate burden of persuasion to show that it is clearly consistent with the national interest to grant him eligibility for access to classified information. This case is decided for Applicant.

Robert E. Coacher
Administrative Judge