



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



In the matter of:)
)
) ISCR Case No. 15-04488
)
Applicant for Security Clearance)

Appearances

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

12/07/2016

Decision

COACHER, Robert E., Administrative Judge:

On December 11, 2015, 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 January 21, 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 23, 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 established through documentation that the three SOR debts in the amount of \$23,825 were the responsibility of his ex-wife pursuant to a court order entered in his divorce case in 2009. Despite the order, Applicant settled one of the debts with the creditor in August 2016. Applicant's evidence established that he is in

good financial standing. 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(c), 20(d), and 20(e).

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 his eligibility for access to classified information. This case is decided for Applicant.

Robert E. Coacher
Administrative Judge