



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



In the matter of:)
)
-----) ISCR Case No. 15-04549
)
Applicant for Security Clearance)

Appearances

For Government: Jeff Nagel, Esquire, Department Counsel
For Applicant: *Pro se*

December 9, 2016

Decision

ROSS, Wilford H., Administrative Judge:

Applicant submitted an Electronic Questionnaire for Investigations Processing (e-QIP), on May 27, 2014. (Government Exhibit 1.) On April 1, 2016, the Department of Defense issued a Statement of Reasons (SOR) detailing the security concerns under Guideline F concerning Applicant. The action was taken under Executive Order 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) effective within the Department of Defense on September 1, 2006.

Applicant answered the SOR in writing on May 2, 2016 (Answer), and requested a hearing before an administrative judge. Department Counsel was prepared to proceed on June 21, 2016. This case was assigned to me on June 27, 2016. The Defense Office of Hearings and Appeals (DOHA) issued a notice of hearing on July 14, 2016. I convened the hearing as scheduled on August 9, 2016. The Government offered Government Exhibits 1 through 6, which were admitted without objection. Applicant testified on his own behalf and submitted Applicant Exhibits A through C, which were

also admitted without objection. DOHA received the transcript of the hearing (Tr.) on August 17, 2016.

Based on a thorough review of the pleadings, exhibits and testimony, I proposed to the parties in writing that this case was appropriate for a summary disposition in Applicant's favor.¹ This was done by an email dated December 2, 2016. Department Counsel had 10 days to consider the matter, and provided written notice that he did not object on December 4, 2016. Applicant provided written notice that he did not object on December 5, 2016.

Applicant is 39, and married for the second time. He had one unpaid credit card debt totaling about \$18,000. Applicant has settled and paid the debt, which was incurred during his first marriage, and is current on his existing obligations. Based on the record evidence as a whole, I conclude that Department Counsel presented sufficient evidence to establish the facts alleged in the SOR under Guideline F. I also conclude that Applicant presented sufficient evidence to explain, extenuate, or mitigate the facts admitted by Applicant or proven by Department Counsel. In particular, I conclude that the security concerns are resolved 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 or *vice versa*. I also gave due consideration to the whole-person concept. Accordingly, I conclude that Applicant 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.

Wilford H. Ross
Administrative Judge

¹Summary Disposition is appropriate in cases where the undisputed evidence justifies a favorable decision of the case, with no potential appellate issues. This decision is issued in accordance with instructions from the Director, DOHA, contained in an email dated November 12, 2016.