



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



In the matter of:)
)
 [Name Redacted]) ISCR Case No. 15-04552
)
 Applicant for Security Clearance)

Appearances

For Government: Pamela C. Benson, Esq., Department Counsel
For Applicant: *Pro se*

12/07/2016

Decision

HOGAN, Erin C., Administrative Judge:

Applicant submitted a Questionnaire for National Security Positions (SF 86 Format) on October 6, 2014. On January 17, 2016, after reviewing the application and information gathered during a background investigation, the Department of Defense Consolidated Adjudications Facility, Fort Meade, Maryland, sent Applicant a Statement of Reasons (SOR), explaining it was unable to find that it was clearly consistent with the national interest to grant him eligibility for access to classified information.¹ The SOR detailed the factual reasons for the action under the security guideline known as Guideline F for financial considerations. Applicant timely answered the SOR and requested a decision on the administrative record.

¹ This case is adjudicated under Executive Order 10865, *Safeguarding Classified Information within Industry*, signed by President Eisenhower on February 20, 1960, as amended, as well as Department of Defense Directive 5220.6, *Defense Industrial Personnel Security Clearance Review Program*, dated January 2, 1992, as amended (Directive). In addition, the *Adjudicative Guidelines for Determining Eligibility for Access to Classified Information* (AG), effective within the Defense Department on September 1, 2006, apply here. The AG were published in the Federal Register and codified in 32 C.F.R. § 154, Appendix H (2006). The AG replaced the guidelines found in Enclosure 2 to the Directive prior to September 1, 2006 and a copy of these guidelines was provided directly to the Applicant in this case.

On April 18, 2016, Department Counsel prepared a File of Relevant Material (FORM) which contained Items 1 – 5. Applicant filed a Response to FORM in May 2016, containing Items 6 – 14. The case was assigned to me on November 22, 2016. Upon review of the file, I reopened the record to allow Applicant time to submit additional documents. On November 26, 2016, he timely submitted additional matters which are admitted as Item 15. Department Counsel had no objection to the additional matters. (HE II) At the close of the evidence and after reviewing all of the matters, on November 29, 2016, I proposed to the parties that this case was appropriate for a summary disposition in Applicant's favor. Applicant did not object. Department Counsel had 10 days to consider the matter and provided written notice that Department Counsel did not object on December 1, 2016.

Applicant had ten unpaid debts totaling about \$18,717. The largest debt was a car repossession for \$11,086. He and a former girlfriend purchased a car together. When they broke up, the girlfriend kept the car and agreed to make the payments. She did not make the payments and the car was repossessed. Applicant settled this debt in full in October 2016, after making six monthly payments. Applicant paid all of the consumer debts and is current on his existing obligations. Six of the debts were medical debts, totaling \$1,554. In 2009, Applicant underwent surgery on his right knee while unemployed and without medical insurance. He provided proof he has been paying medical bills. There may be a few unpaid minor medical bills. Applicant is able to pay off the medical bills, if they have not already been paid.

In 2008, Applicant's mother died in a traffic accident. He took care of his sister and his niece after the accident. Applicant underwent several periods of unemployment in 2009, 2010, and 2013. He has since married, graduated from college, and is a father. Applicant's references attest to his trustworthiness, good judgment, work ethic, and reliability. 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: AG ¶¶ 19(a), 19(c). 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(b), 20(c), and 20(d).

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. Applicant encountered a lot of issues as a young man to include the loss of his mother, unemployment, and needing surgery while uninsured. He has resolved most of his debts. Only a few minor medical accounts remain unresolved. Applicant is highly thought of by his co-workers. 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.

Conclusion

In light of all of the circumstances presented by the record in this case, it is clearly consistent with the national interest to grant Applicant eligibility for a security clearance. Eligibility for access to classified information is granted.

Erin C. Hogan
Administrative Judge