



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



In the matter of:)
)
) ISCR Case No. 15-04687
)
Applicant for Security Clearance)

Appearances

For Government: Gina Marine, Esq., Department Counsel
For Applicant: Alan V. Edmunds, Esq.

12/28/2016

Decision

TUIDER, Robert J., Administrative Judge:

On April 30, 2014, Applicant submitted a Questionnaire for National Security Positions (SF-86). On January 25, 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 guidelines known as Guideline F for financial considerations and E for personal conduct. Applicant timely answered the SOR and requested a hearing.

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 August 4, 2016, the case was assigned to me. On October 27, 2016, the hearing was held as scheduled. At the conclusion of the hearing, I held the record open until November 18, 2016, to afford Applicant an opportunity to submit additional evidence. Applicant timely submitted numerous documents. After reviewing Applicant's post-hearing documents, I e-mailed the parties indicating 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.

Applicant had a number of debts primarily as a result of uncovered medical expenses. He has paid, successfully disputed, or otherwise resolved all of his debts. Applicant has held a clearance for over 20 years without incident and has an excellent reputation for trustworthiness. Personal conduct concerns were determined to be unsubstantiated. 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 financial considerations security concerns are resolved under the following mitigating conditions: AG ¶¶ 20(a) through 20(e) and as noted personal conduct concerns were unsubstantiated.

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 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 J. Tuidor
Administrative Judge