



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



In the matter of: )  
 )  
 ) ISCR Case No. 15-05838  
 )  
Applicant for Security Clearance )

**Appearances**

For Government: Douglas Velvel, Esq., Department Counsel  
For Applicant: *Pro se*

12/05/2016  
\_\_\_\_\_

**Decision**  
\_\_\_\_\_

TUIDER, Robert J., Administrative Judge:

Applicant has mitigated security concerns pertaining to Guideline F (financial considerations). Clearance is granted.

**Statement of the Case**

On February 19, 2015, Applicant submitted a Questionnaire for National Security Positions (SF-86). On February 16, 2016, the Department of Defense (DOD) Consolidated Adjudications Facility (CAF) issued a Statement of Reasons (SOR) to Applicant, pursuant to Executive Order 10865, *Safeguarding Classified Information Within Industry*, dated February 20, 1960, as amended; DOD Directive 5220.6, *Defense Industrial Personnel Security Clearance Review Program* (Directive), dated January 2, 1992, as amended; and the adjudicative guidelines (AG), which became effective on September 1, 2006.

The SOR alleged security concerns under Guideline F (financial considerations). The SOR detailed reasons why the DOD CAF was unable to find that it is clearly consistent with the national interest to grant a security clearance for

Applicant, and it recommended that his case be submitted to an administrative judge for a determination whether his clearance should be granted or denied.

On March 16, 2016, Applicant responded to the SOR. On May 4, 2016, Department Counsel was ready to proceed. On May 9, 2016, DOHA assigned Applicant's case to me. On May 19, 2016, the Defense Office of Hearings and Appeals (DOHA) issued a notice of hearing, setting the hearing for June 8, 2016. The hearing was held as scheduled.

At the hearing, Department Counsel offered Government Exhibits (GE) 1 through 5, which were received into evidence without objection. Applicant testified, called one witness, and offered Applicant Exhibits (AE) A through C, which were received into evidence without objection. On June 16, 2016, DOHA received the hearing transcript. I held the record open until July 8, 2016, to afford Applicant an opportunity to submit additional evidence. Applicant timely submitted AE D through U, which were received into evidence without objection. Department Counsel moved to withdraw SOR ¶ 1.m. Without objection from the Applicant, I granted Department Counsel's motion.

After receipt of the transcript and the record closed, I provided written notice to the Government of my intent to resolve the case through summary disposition in Applicant's favor. Department Counsel indicated that the Government did not object to my proposed resolution of the matter in this fashion.

### **Background Information**

Applicant is a 58-year-old information technology senior manager employed by a defense contractor since March 2003. He has successfully held a secret security clearance since he began his employment with his company and seeks to retain his clearance as a requirement of his continued employment.

Applicant graduated from high school in May 1976. He was awarded a bachelor of arts degree in criminal justice and sociology in May 1981. Applicant received a post-technical certificate in computer science in July 1982. Applicant married in May 1984, and has a 26-year-old daughter.

### **Financial Considerations**

Applicant's SOR lists a July 2015 Chapter 13 Bankruptcy and five debts consisting of a past-due mortgage, two collection accounts, and two delinquent accounts. These allegations were substantiated either through Applicant's admissions the evidence presented. Applicant attributes his financial problems to the collapse of the housing market, being the victim of a predatory lender, and loss of his wife's full-time job. Applicant demonstrated a good-faith effort to resolve his debts through frequent contact with his creditors as well as seeking financial counseling which led to him successfully resolving his debts.

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) through 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 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. Tuider  
Administrative Judge