



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



In the matter of: )  
 )  
 ) ISCR Case No. 15-08302  
 )  
Applicant for Security Clearance )

**Appearances**

For Government: Andrew H. Henderson, Esquire, Department Counsel  
For Applicant: *Pro se*

01/09/2017

---

**Decision**

---

WHITE, David M., Administrative Judge:

Applicant submitted an Electronic Questionnaire for Investigations Processing (e-QIP), on March 12, 2015. (Government Exhibit 1.) On May 2, 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 18, 2016 (Answer), and requested a hearing before an administrative judge. Department Counsel was prepared to proceed on July 11, 2016. This case was assigned to me on July 18, 2016. The Defense Office of Hearings and Appeals (DOHA) issued a notice of hearing on July 29, 2016. I convened the hearing as scheduled on August 16, 2016. The Government offered Government Exhibits 1 through 7, which were admitted without objection. Applicant testified on his own behalf, and timely submitted Applicant Exhibit A while the record remained open after the hearing. It was also admitted without objection. DOHA received the transcript of the hearing (Tr.) on August 24, 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.<sup>1</sup> This was done by an email dated November 30, 2016. Department Counsel had 10 days to consider the matter, and provided written notice that he did not object on December 1, 2016. Applicant also provided written notice that he did not object on December 1, 2016.<sup>2</sup>

Applicant is 32 years old. He has never married and has no children. He earned master's degrees in engineering and business administration in 2008 and 2015.

Applicant purchased a condominium in 2007, with a first and second mortgage loan. Due to the severe decline in the real estate market and subsequent increases in his adjustable rate mortgage payments and home association fees, he was unable to afford payments on the condominium after a few years. Following an attorney's advice, he filed for Chapter 13 bankruptcy relief to resolve the situation in 2009. Two months later he filed to voluntarily dismiss that proceeding after arranging a short sale on the property, which the first mortgage holder approved.

However, the second mortgage holder objected to, and prevented the successful completion of the short sale. Applicant then entered into, and paid, a settlement agreement to resolve the second mortgage debt during 2011. While Applicant was negotiating with the first mortgage lender to surrender the property through a deed in lieu of foreclosure, a successor holder of that debt foreclosed on the property in early 2014 using a procedure that fully absolved Applicant of that debt. He is, and has regularly been, current on his other financial 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 whether the favorable evidence outweighed the unfavorable evidence or *vice versa*. I also gave due consideration to the whole-person concept.

---

<sup>1</sup>Summary 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.

<sup>2</sup>The emails concerning summary disposition are included in the record as Hearing Exhibit (HE) II.

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. Eligibility for access to classified information is granted.

David M. White  
Administrative Judge