



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



In the matter of:)
)
) ADP Case No. 15-08830
)
Applicant for Public Trust Position)

Appearances

For Government: Benjamin Dorsey, Department Counsel
For Applicant: *Pro se*

08/14/2017

Decision

KILMARTIN, Robert J., Administrative Judge:

Applicant did not mitigate the financial considerations trustworthiness concerns. Applicant's eligibility for access to sensitive information in a public trust position is denied.

Statement of the Case

On June 15, 2016, the Department of Defense (DOD) issued Applicant a Statement of Reasons (SOR) detailing trustworthiness concerns under Guideline F, financial considerations. The action was taken under DOD Directive 5220.6, *Defense Industrial Personnel Security Clearance Review Program* (January 2, 1992), as amended (Directive), and the adjudicative guidelines (AG's) effective within the DOD for SORs issued after September 1, 2006.

The Director of National Intelligence issued Security Executive Agent Directive 4 (SEAD 4) on December 10, 2016, revising the 2006 AG's. The revised AG's apply to all adjudicative decisions issued on or after June 8, 2017. This decision is based on the newly promulgated adjudicative guidelines effective June 8, 2107.¹

¹ Although I have decided this case under the new AG's promulgated by Security Executive Agent Directive (SEAD) 4, of December 10, 2016 and effective on June 8, 2017, I have also considered the

Applicant timely answered the SOR, and elected to have a hearing before an administrative judge. Department Counsel indicated the Government was ready to proceed on August 26, 2017. The Defense Office of Hearings and Appeals (DOHA) issued a Notice of Hearing on June 6, 2017, scheduling the hearing on July 13, 2017. The case was assigned to an administrative judge on May 4, 2017, and later transferred to me on July 13, 2017. I conducted the hearing as scheduled on July 13, 2017. DOHA received the transcript of the hearing (Tr.) on July 21, 2017.

Findings of Fact

In her Answer to the SOR on August 8, 2016, Applicant admitted to filing four bankruptcies between 1987 and 2007. A Chapter 13 filed in June 1995 alleged in SOR ¶ 1.b, was dismissed in March 1996 due to incomplete documentation and failure to make payments. Similarly, a Chapter 13 filed in November 2007 and alleged at SOR ¶ 1.d, was dismissed in April 2008 for failure to make payments. Applicant admitted to most of the other allegations of delinquent debts totaling \$12,676 in her Answer. She only denied SOR ¶ 1.k (stating she only had one account with this particular creditor). It is a duplicate with the debt alleged in SOR 1.e. She also denied the debt alleged at SOR ¶ 1.h (a \$1,134 student-loan debt). She claimed to have paid this student-loan debt from her 2011 tax return, but she provided no substantiating documentation.

Five of the remaining delinquent debts alleged in the SOR were for medical bills incurred at a time when she was unemployed or lacked adequate medical insurance. The other delinquencies resulted from credit card or consumer debts. In response to the vast majority of the allegations, Applicant stated that she owed these medical debts because she had health problems causing periods of unemployment. In addition to her numerous delinquent medical bills, Applicant has miscellaneous delinquent consumer debts. She has provided no documentation to show disputes with any of her creditors, or actual payments made toward a payment plan, let alone proof that any of these debts have been resolved. All of the alleged debts are reflected in her credit reports. After a thorough and careful review of the pleadings and exhibits, and her testimony, I make the following additional findings of fact.

Applicant is 53 years old. She graduated from high school in 1982. She was married in 1989 and divorced in 2000. Applicant is a single mother of two sons, ages 23 and 26, whom she put through college.⁴ She had various jobs including previous positions with federal contractors and intermittent health insurance. She voluntarily left the job force in 1994 to be a stay-at-home mother.⁵ She returned to work doing temporary jobs from 1996 through 2008.⁶ Presently, she has been employed in hospital

case under the former AG's effective on September 1, 2006, and my decision would be the same under either version.

⁴ Tr. at 28, 29.

⁵ Tr. at 32.

⁶ Tr. at 33.