



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



|                                     |   |                        |
|-------------------------------------|---|------------------------|
| In the matter of:                   | ) |                        |
|                                     | ) |                        |
| REDACTED                            | ) | ISCR Case No. 16-02158 |
|                                     | ) |                        |
| Applicant for Public Trust Position | ) |                        |

**Appearances**

For Government: Nicholas T. Temple and Tovah A. Minster, Department Counsel  
For Applicant: *Pro se*

02/23/2018

**Summary Decision**

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MENDEZ, Francisco, Administrative Judge:

On September 20, 2016, the Department of Defense (DoD) sent Applicant a Statement of Reasons (SOR) alleging trustworthiness concerns under the financial considerations guideline. Applicant answered the SOR and requested a hearing to establish her eligibility for a public trust position, which is required for her job at a U.S. military hospital. A hearing was held on November 21, 2017. Applicant testified and both parties submitted exhibits for the record.

On February 9, 2018, after reviewing all the evidence, I informed the parties that the case appeared appropriate for summary disposition in Applicant's favor. Department Counsel did not object to resolution of the case through summary disposition. (Exhibit I.)

**Findings of Fact, Law, and Conclusion**

Applicant was in her first or second year of college when the school was forced to close after suffering extensive damage from Hurricane Katrina. Applicant relocated and began the process of applying to other schools. She was admitted to a well-respected private college, but only received a partial academic scholarship and incurred a sizeable amount of student loan debt. After graduating from college, Applicant experienced periods of unemployment and underemployment, and fell behind on her student loan payments. She was hired by her current employer in 2013, and immediately began the

process of addressing and resolving her delinquent debts. She provided documentation showing that she paid or was paying the debts listed on the SOR.<sup>1</sup> She disclosed the information about her financial issues in her application for a public trust position and discussed them fully during the course of the ensuing investigation. Applicant also provided documentation from her financial advisor, which reflects favorably on the way she presently handles her finances. Despite recent setbacks, Applicant's financial situation continues to improve.

Persons applying for a position of trust with the Government are not required to be debt free, or have unblemished financial records, or a certain credit score. However, they are expected to present evidence mitigating concerns raised by delinquent debt. They are also required to show that they manage their current finances in a manner consistent with the expectations for those granted access to sensitive information.<sup>2</sup>

Applicant met her burden of proof and persuasion in mitigating trustworthiness concerns raised by her financial circumstances. As required by the National Security Adjudicative Guidelines,<sup>3</sup> I evaluated the concern at issue by weighing the evidence, both favorable and unfavorable, and considered such evidence in light of the applicable disqualifying and mitigating conditions, and whole-person factors. Specifically, I find that mitigating conditions ¶¶ 20(a) – 20(d) apply and find for Applicant as to the SOR allegations. Overall, the record evidence leaves me with no questions or doubts as to Applicant's eligibility for access to sensitive information. Accordingly, Applicant's request for a public trust position is granted.

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Francisco Mendez  
Administrative Judge

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<sup>1</sup> See Exhibits A and D (paying student loan debts, referenced in SOR 1.a and 1.b, through a payment plan entered into in 2013, reducing balance from \$23,000 to \$12,000); Exhibits B and F (second largest SOR debt, 1.c, was satisfied in 2015); Exhibits C and G (paid or is paying the debts in 1.e – 1.j).

<sup>2</sup> See *generally* ISCR Case No. 07-06482 at 3 (App. Bd. May 21, 2008) (“[A]n applicant is not required, as a matter of law, to establish that he [or she] has paid off each and every debt listed in the SOR. All that is required is that an applicant demonstrate that he [or she] has “ . . . established a plan to resolve his [or her] financial problems and taken significant actions to implement that plan.”) (internal citations omitted).

<sup>3</sup> The guidelines became effective on June 8, 2017, through Security Executive Agent Directive 4. The guidelines are incorporated into the current version of DoD Directive 5220.6, *Defense Industrial Personnel Security Clearance Review Program*, and are publically available on the DOHA website.