



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



In the matter of:

ISCR Case No. 16-02533

Applicant for Security Clearance

Appearances

For Government: Jeff Nagel, Esq., Department Counsel
For Applicant: *Pro se*

February 16, 2018

Decision

MOGUL, Martin H., Administrative Judge:

Statement of the Case

On December 27, 2016, in accordance with DoD Directive 5220.6, as amended (Directive), the Department of Defense issued Applicant a Statement of Reasons (SOR) alleging facts that raise security concerns under Guideline F.¹ The SOR further informed Applicant that, based on information available to the government, DoD adjudicators could not make the preliminary affirmative finding it is clearly consistent with the national interest to grant or continue Applicant's security clearance.

On February 11, 2017, Applicant submitted a written reply to the SOR (RSOR), and requested that the case be decided after a hearing before an administrative judge. The case was assigned to this administrative judge on June 12, 2017. The Defense Office of Hearings and Appeals (DOHA) issued a notice of hearing on July 26, 2017, scheduling the hearing for September 6, 2017. The hearing was held as scheduled.

¹ I considered the previous Adjudicative Guidelines, effective September 1, 2006, as well as the new Adjudicative Guidelines, effective June 8, 2017. My decision would be the same if the case was considered under the previous Adjudicative Guidelines, effective September 1, 2006.

On February 5, 2018, I proposed to the parties by email that this case was appropriate for a summary disposition in Applicant's favor. Applicant and Department Counsel had 10 days to consider the matter. Neither party submitted any objection.

Findings of Fact

Applicant is 57. He is a widower, and he was married from 1979 to 2003. He has three children. He has been employed in the defense industry since 1981, and by his present employer since 1996, and he seeks a DoD security clearance in connection with his employment in the defense sector.

The SOR includes one allegation, 1.a., which alleges that Applicant is indebted to a creditor for a past due account in the approximate amount of \$67,242. Applicant admitted this allegation in his RSOR.

At the hearing, Applicant testified that he purchased a house in 2010, and he could afford the payments based on his income, which included overtime income. At some point the overtime decreased and he had difficulty making his payments. In June 2017, he entered into a loan modification with a new creditor that owned the title to his house. The arrangement was that he would make three initial payments of \$3,359.98, for the months of August, September and October 2017. At the time of the hearing, he had made two payments in August and September, and he planned to make a third payment in October. Applicant's understanding is that once he has made the third payment the loan will be modified at a reasonable interest rate. At the time of the hearing, his plan is to remain in his house and to continue to pay off his mortgage. Applicant testified that he currently has no credit card debt, nor is he behind on any other debts. He has a car loan which will be paid off by the end of 2018. Applicant submitted a post-hearing document establishing that he has paid the first three payments according to his plan.

I conclude that Applicant presented sufficient evidence to explain, extenuate, or mitigate the facts admitted by Applicant or proven by Department Counsel. Therefore, I conclude that the security concerns are resolved under the following mitigating conditions under Guideline F: AG ¶¶ 20(a), (b) and (d).

The concerns over Applicant's indebtedness 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 or not the favorable evidence outweighed the unfavorable evidence. I also gave due consideration to the whole-person concept. Accordingly, I conclude that Applicant has met his ultimate burden of persuasion to show that it is clearly consistent with the national interest to grant him national security eligibility and access to classified information. This case is decided for Applicant.

Martin H. Mogul
Administrative Judge