



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



In the matter of:

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ADP Case No. 17-00086

Applicant for Position of Trust

**Appearances**

For Government: Benjamin R. Dorsey, Esq. Department Counsel

For Applicant: *Pro se*

11/01/2017

**Decision**

NOEL, Nichole L., Administrative Judge:

Applicant contests the Department of Defense's (DOD) intent to deny her eligibility for a public trust position. Applicant failed to demonstrate financial rehabilitation or a track record of debt repayment. Eligibility is denied.

**Statement of the Case**

On February 24, 2017, the DOD issued a Statement of Reasons (SOR) detailing eligibility concerns under the financial considerations guideline. DOD adjudicators were unable to find that it is clearly consistent with the national interest to grant Applicant's access to sensitive information and recommended her case be submitted to an administrative judge for consideration.

Applicant answered the SOR and requested a decision without a hearing.<sup>1</sup> The Government submitted its written case on April 6, 2017. A complete copy of the file of relevant material (FORM) and the Directive were provided to Applicant. She received the FORM on April 12, 2017. She did not respond. The documents appended to the FORM are admitted as Government's Exhibits (GE) 1 through 5, without objection. On

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<sup>1</sup> GE 1.

October 25, 2017, I opened the record to allow the parties to submit additional information about the financial issues alleged in the SOR. Neither party offered a submission.

### **Findings of Fact**

Applicant has worked for a federal contractor since November 2014. Her position requires access to sensitive information. She completed an eligibility application in April 2016, indicating that she owed delinquent accounts for a payday loan, traffic tickets, and medical bills during a time she did not have medical insurance. The ensuing investigation determined that Applicant had additional delinquent accounts. The SOR alleges and Applicant admits she owes \$13,400 on 19 delinquent accounts. Despite indicating on her eligibility application that she was making payments toward her delinquent accounts, she did not provide any documentation in response to the SOR or the FORM to corroborate those claims.

### **Law and Policy**

This case is adjudicated under Department of Defense Directive 5220.6, *Defense Industrial Personnel Security Review Program* (Jan. 2, 1992), as amended (Directive); and the National Security Adjudicative Guidelines (AG), effective June 8, 2017.

### **Analysis**

#### **Financial Considerations**

Failure to live within one's means, satisfy debts, and meet financial obligations may indicate poor self-control, lack of judgement, or unwillingness to abide by rules and regulations, all of which can raise questions about an individual's reliability, trustworthiness, and ability to protect classified or sensitive information. . . . An individual who is financially overextended is at a greater risk of having to engage in illegal or otherwise questionable acts to generate funds.<sup>2</sup>

The record establishes the Government's *prima facie* case has that Applicant has demonstrated a history of not meeting her financial obligations and having an inability to pay her creditors.<sup>3</sup> Applicant receives some mitigation because some of the delinquent debt is for medical accounts she incurred during a time she did not have insurance. Generally, medical debt is not an indication of financially reckless or irresponsible behavior. However, Applicant did not present any information to demonstrate a track record of debt repayment or financial rehabilitation or reform. Accordingly, the eligibility concerns related to her history of financial problems remain. None of the financial considerations mitigating conditions apply.

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<sup>2</sup> AG ¶ 18.

<sup>3</sup> AG ¶¶ 19 (a), (c).

At this time, Applicant is not a good candidate for access to sensitive information because of her financial situation. In reaching this conclusion, I have also considered the whole-person factors at AG ¶ 2(d). This decision should not be construed as a determination that Applicant cannot or will not attain the type of financial stability necessary to justify the granting of a position of trust. The award of access to sensitive information is not a once in a lifetime occurrence, but is based on applying the factors, both disqualifying and mitigating, to the evidence presented. While Applicant's eligibility to occupy a position of trust information is denied at this time, she may well demonstrate persuasive evidence to merit access to sensitive information in the future.

### **Formal Findings**

Formal findings for or against Applicant on the allegations set forth in the SOR, as required by section E3.1.25 of Enclosure 3 of the Directive, are:

Paragraph 1, Financial Considerations:	AGAINST APPLICANT
Subparagraphs 1.a – 1.s:	Against Applicant

### **Conclusion**

In light of all of the circumstances, it is not clearly consistent with the interests of national security to grant Applicant access to sensitive information. Applicant's eligibility to occupy a position of trust is denied.

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Nichole L. Noel  
Administrative Judge