



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



In the matter of: )  
 )  
 [REDACTED] ) ISCR Case No. 17-00099  
 )  
 Applicant for Security Clearance )

**Appearances**

For Government: Erin Thompson, Esq., Department Counsel  
For Applicant: *Pro se*

07/24/2018

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**Decision**

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MARINE, Gina L., Administrative Judge:

This case involves security concerns raised under Guideline F (Financial Considerations) and Guideline E (Personal Conduct). Eligibility for access to classified information is denied.

**Statement of the Case**

Applicant submitted a security clearance application (SCA) on September 1, 2015. On March 14, 2017, the Department of Defense Consolidated Adjudications Facility (DOD CAF) sent her a Statement of Reasons (SOR) alleging security concerns under Guidelines F and E. The DOD CAF acted under Executive Order (EO) 10865, *Safeguarding Classified Information within Industry* (February 20, 1960), as amended; DOD Directive 5220.6, *Defense Industrial Personnel Security Clearance Review Program* (January 2, 1992), as amended (Directive); and the adjudicative guidelines (AG) implemented by the DOD on September 1, 2006.

Applicant answered the SOR on April 10, 2017, and requested a hearing before an administrative judge. The Government was ready to proceed on May 24, 2017, and the case was assigned to me on December 4, 2017. On January 30, 2018, the Defense Office of Hearings and Appeals (DOHA) notified Applicant that the hearing was scheduled for February 22, 2018. Applicant was granted a continuance on February 21,

2018. On March 7, 2018, the Defense Office of Hearings and Appeals (DOHA) notified Applicant that the hearing was rescheduled to April 4, 2018, which I convened as scheduled.

Government Exhibits (GE) 1 through 5 were admitted into evidence, without objection. I appended to the record the Government's exhibit list as Hearing Exhibit (HE) I and correspondence the Government sent to Applicant as HE II. At the hearing, Applicant testified and submitted Applicant Exhibits (AE) A through K, which I admitted into evidence, without objection. At Applicant's request, I left the record open until May 11, 2018. Applicant timely provided additional documents that were admitted into evidence as AE L through DD, without objection. DOHA received the transcript (Tr.) on April 13, 2018.

On June 8, 2017, the DOD implemented new AG (2017 AG).<sup>1</sup> Accordingly, I have applied the 2017 AG.<sup>2</sup> However, I have also considered the 2006 AG, because they were in effect on the date the SOR was issued. I conclude that my decision would have been the same under either version.

### **Findings of Fact<sup>3</sup>**

Applicant, age 49, divorced her first husband in 1996 and her second husband in 2004. She is presently engaged to be married. She had three children, two of whom are living, ages 21 and 27. She obtained her high school diploma in 1987. Applicant has worked as a contractor for the same U.S. Government agency for almost 14 years through various employers. Applicant was granted a security clearance in approximately 2003.<sup>4</sup>

The SOR alleged a 2004 Chapter 7 bankruptcy discharge and 22 post-bankruptcy delinquent debts totaling \$59,602 (Guideline F), and that Applicant failed to disclose any delinquent debts on her 2015 security clearance application (SCA) (Guideline E). Applicant admitted each of the Guideline F allegations (SOR ¶¶ 1.a through 1.w), and denied each of the Guideline E allegations (SOR ¶¶ 2.a and 2.b).<sup>5</sup>

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<sup>1</sup> On December 10, 2016, the Security Executive Agent issued Directive 4 (SEAD 4), establishing a "single, common adjudicative criteria for all covered individuals who require initial or continued eligibility for access to classified information or eligibility to hold a sensitive position." (SEAD 4 ¶ B, *Purpose*). The SEAD 4 became effective on June 8, 2017 (SEAD 4 ¶ F, *Effective Date*). The new AG, which are found at Appendix A to SEAD 4, apply to determine eligibility for initial or continued access to classified national security information. (SEAD 4 ¶ C, *Applicability*).

<sup>2</sup> ISCR Case No. 02-00305 at 3 (App. Bd. Feb. 12, 2003) (security clearance decisions must be based on current DOD policy and standards).

<sup>3</sup> Unless otherwise indicated by citation to another part of the record, I extracted these facts from Applicant's SOR answer and her SCA (GE 1).

<sup>4</sup> AE I; Tr. at 8-10.

<sup>5</sup> Tr. at 15-20.

## **Guideline F**

Applicant initially experienced financial problems because of her second divorce, which was finalized in December 2004 after a period of separation that began in August 2003. She was left with substantial debts that had not been allocated to her second husband. To resolve those debts, at the advice of her counsel, Applicant filed for Chapter 7 bankruptcy in September 2004. The debts were discharged in December 2004.<sup>6</sup>

After the bankruptcy discharge, Applicant's financial issues persisted due to various events that impacted her emotionally and financially. In 2007, her son was tragically killed at the age of 17. In 2009, she was laid off for a period unspecified in the record. She suffered three strokes and other medical conditions between 2007 through 2015. In 2015, her oldest daughter lost a child during childbirth. In 2016, her youngest daughter lost her father, and Applicant's partner of 10 years passed away. As of the hearing, Applicant's mother had recently been diagnosed with several medical conditions.<sup>7</sup>

While Applicant received child support for all three of her children, it was insufficient to meet their expenses. She received \$50 a month for her son before he passed away, \$55 per month for her oldest daughter, which ended when she turned 18, and \$564 per month for her youngest daughter, which ended when her father passed away.<sup>8</sup> At various times, Applicant had been providing financial support to her two adult daughters and her youngest daughter's child. After her youngest daughter's social security number was inadvertently used for her father's death certificate in 2016, it took two years to resolve the issue, which resulted in increased support needs from Applicant.<sup>9</sup>

In April 2016, Applicant engaged the services of a credit restoration company (Company A) and a credit monitoring company (Company B), neither of which assisted her with paying any debts. She paid an \$87 enrollment fee plus \$87 per month to Company A to have items removed from her credit report, and paid unspecified sums on a monthly basis to Company B to monitor her credit. Applicant did not specify the time period during which she paid and worked with either company, but she eventually terminated her relationships with them because she could not afford the monthly payments. Applicant believed that her efforts to work with those two companies would suffice to mitigate the security concerns about her finances. Applicant stated that she

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<sup>6</sup> AE I; GE 4; Tr. at 60, 67, 89, 101, 103, 105.

<sup>7</sup> SOR Answer; GE 5; AE V; Tr. at 60-64, 66, 105-106, 119, 134-135.

<sup>8</sup> Tr. at 110, 137-138.

<sup>9</sup> Tr. at 62-63, 113-114.

has not had any financial counseling, but has been “thinking about” seeking it out and “looking” into it.<sup>10</sup>

In June 2016, Company A sent letters on Applicant’s behalf to three credit bureau agencies disputing numerous SOR debts on the basis that the accounts did not belong to Applicant.<sup>11</sup> At the hearing, Applicant acknowledged the dishonesty of those letters given that the accounts did, in fact, belong to her.<sup>12</sup> She claimed to have sent “hardship” letters to numerous creditors, but only provided one such letter that she sent to a prospective landlord.<sup>13</sup> After the hearing, Applicant engaged the services of another credit repair company, but provided no evidence that it has assisted her with anything more than removing items from her credit report.<sup>14</sup>

Applicant did not provide any documentary evidence that she paid any of her SOR debts, except for the debt alleged in SOR ¶ 1.a.<sup>15</sup> Several debts were removed from her credit report, but not because Applicant had any legitimate basis to dispute them. The status of Applicant’s SOR debts, based on the record evidence, is as follows:

<b>SOR¶</b>	<b>Creditor</b>	<b>Amount</b>	<b>Description (if specified in record)</b>	<b>Status</b>	<b>Proof</b>
1.a	Cap One Auto	\$11,021	Auto loan account. Open 12/2008. Voluntary surrender. <sup>16</sup>	Paid.	AE B at 4.
1.b	Credit Accept	\$7,536	Auto loan account. Open 11/2013 auto loan. Voluntary surrender. <sup>17</sup>	Unresolved.	None.

<sup>10</sup> AE L, M; Tr. at 92-93, 95-99; 121, 124-125. 133, 139-140.

<sup>11</sup> AE H.

<sup>12</sup> Tr. at 59-60, 99-101.

<sup>13</sup> AE V; Tr. 65, 77-80.

<sup>14</sup> AE L, Q, V, AA, BB, and CC.

<sup>15</sup> Tr. at 18-19, 51, 69-74, 80-81, 87, 100.

<sup>16</sup> GE 5 at 4.

<sup>17</sup> GE 5 at 3.

<b>SORT</b>	<b>Creditor</b>	<b>Amount</b>	<b>Description (if specified in record)</b>	<b>Status</b>	<b>Proof</b>
1.c	Mid-Atlantic	\$4,205	Auto loan account. Open 2/2012. Voluntary surrender. <sup>18</sup> Credit bureau affirmed debt after Applicant dispute. <sup>19</sup>	Unresolved.	None.
1.d	Corp America	\$3,984	Auto loan account. Open 3/2009. <sup>20</sup> Credit bureau affirmed debt after Applicant dispute. <sup>21</sup>	Unresolved.	None.
1.e	Corp America	\$2,009	Unsecured loan account. Open 9/2004. <sup>22</sup> Credit bureau affirmed debt after Applicant dispute. <sup>23</sup>	Unresolved.	None.
1.f	Medical	\$620		Removed from credit report 9/2016.	AE A.
1.g	NASA FCU	\$309	Bank account. Open July 2014. <sup>24</sup>	Removed from credit report 2/2017.	AE A.
1.h	Medical	\$252		Unresolved.	None.
1.i	Bi Fiby Gaid	\$7,640	Judgment for unpaid rent. Plaintiff was landlord. Home went into foreclosure. Applicant denied debt, claimed that court ordered her not to pay landlord. <sup>25</sup>	Unresolved.	None.

<sup>18</sup> GE 5 at 4-5.

<sup>19</sup> AE E at 7.

<sup>20</sup> GE 3 at 8.

<sup>21</sup> AE E at 5.

<sup>22</sup> GE 3 at 8.

<sup>23</sup> AE E at 4.

<sup>24</sup> GE 5 at 5.

<sup>25</sup> GE 5 at 6.

<b>SORT</b>	<b>Creditor</b>	<b>Amount</b>	<b>Description (if specified in record)</b>	<b>Status</b>	<b>Proof</b>
1.j	Acceptance No	\$6,347	Home furnishing rental account. Open 7/2012. <sup>26</sup>	Unresolved.	None.
1.k	Fst Premier	\$487	Credit card account. Open 11/2008. <sup>27</sup>	Unresolved.	None.
1.l	IC System for Medical	\$98		Removed from credit report 6/2016 and 5/2018.	AE A and BB.
1.m	Midland Fund for Verizon	\$969	Wireless account. <sup>28</sup>	Unresolved.	None.
1.n	OAC for Medical	\$61		Removed from credit report 6/2016.	AE A.
1.o	Portfolio for Capital One Bank	\$1,615	Credit card account. <sup>29</sup>	Removed from credit report 10/2016.	AE A.
1.p	Rec Mgm Sys for medical	\$212		Removed from credit report 6/2016.	AE A.
1.q	Verizon	\$2,190	Utility account. Open 8/2009. <sup>30</sup>	Unresolved.	None.
1.r	Wyndham Vaca	\$8,984	Timeshare. Open 1/2007. Involuntary repossession. <sup>31</sup>	Unresolved.	None.
1.s	Profess Acct for DC Govt	\$250		Removed from credit report 6/2016.	AE A.

<sup>26</sup> GE 3 at 6.

<sup>27</sup> GE 3 at 9.

<sup>28</sup> GE 3 at 10.

<sup>29</sup> GE 5 at 7.

<sup>30</sup> GE 3 at 11.

<sup>31</sup> GE 3 at 11.

<b>SOR#</b>	<b>Creditor</b>	<b>Amount</b>	<b>Description (if specified in record)</b>	<b>Status</b>	<b>Proof</b>
1.t	Profess Acct for DC Govt	\$300		Removed from credit report 6/2016.	AE A.
1.u	Verizon	\$349	Cable account. Applicant believed that it had been paid. <sup>32</sup>	Unresolved.	None.
1.v	Amca for Medical	\$164		Removed from credit report 6/2016.	AE A.

Applicant revealed, for the first time at the hearing, that she owed the IRS \$7,000 for unpaid income taxes from tax year 2015. She incurred the taxes because she did not understand the rules and tax consequences associated with her health savings account. The IRS intercepted one of Applicant's federal income tax refunds to pay a portion of the taxes owed. The remaining balance is approximately \$4,500 or \$5,000, which Applicant plans to pay through the IRS's interception of future federal income tax refunds. She also revealed that, in an unspecified tax year, her state income tax refund was intercepted to pay a delinquent property tax debt.<sup>33</sup>

Applicant's annual salary from her full-time job has fluctuated from \$130,000 (in 2016 and 2017) to \$50,000 (in 2018). Applicant has earned approximately \$50 to \$100 per week from a part-time job. Applicant asserted that her \$130,000 salary was insufficient to meet her expenses because she was providing financial support to two children and her youngest daughter's child, who were also then living with her. She no longer provides that financial support and was able to reduce her rent from \$3,000 per month to \$1,750 per month. In 2018, her car insurance decreased from \$700 per month to \$200 per month.<sup>34</sup>

### **Guideline E**

Applicant did not disclose her automobile repossessions or any other financial issues on her September 2015 SCA.<sup>35</sup> In December 2015 and on several occasions

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<sup>32</sup> GE 5 at 4.

<sup>33</sup> Tr. at 111-121. Because this debt was not alleged, I will it only for the purpose of evaluating mitigation and whole person factors. The Government did not seek to amend the SOR at the hearing. Tr. at 129.

<sup>34</sup> AE U; Tr. at 64, 111-116, 130-132, 134.

<sup>35</sup> GE 1.

thereafter, a DOD authorized investigator interviewed Applicant to discuss her responses to the SCA and other matters related to her security clearance background investigation, including her financial issues.<sup>36</sup>

During her first interview, Applicant volunteered, before being confronted, that she had three cars repossessed, and claimed that she did not list them on her SCA because she could not recall the details. She answered “no” when asked whether she had any additional financial issues. Applicant was then confronted with additional delinquent debts, to which she either denied any knowledge that they were delinquent or denied any knowledge of them at all. She denied owing any balances on the loans for the cars that were repossessed. She promised to research them and pay any debts deemed legitimate.<sup>37</sup>

At the hearing, Applicant explained that she did not report her automobile repossessions on her SCA because she populated her responses electronically using the data from a 2003 SCA, which did not list any financial issues. She was rushed at the time so she did not take the time to more carefully review her responses. Applicant now understands the impact of omitting derogatory information from an SCA and promised to avoid doing so on future SCAs.<sup>38</sup>

### **Whole Person**

Applicant’s work performance, character, and trustworthiness are highly regarded.<sup>39</sup>

### **Policies**

“[N]o one has a ‘right’ to a security clearance.”<sup>40</sup> As Commander in Chief, the President has the authority to “control access to information bearing on national security and to determine whether an individual is sufficiently trustworthy to have access to such information.”<sup>41</sup> The President has authorized the Secretary of Defense or his designee to grant applicants eligibility for access to classified information “only upon a finding that it is clearly consistent with the national interest to do so.”<sup>42</sup>

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<sup>36</sup> GE 5.

<sup>37</sup> GE 5.

<sup>38</sup> Tr. at 101-102, 140-145.

<sup>39</sup> AE J, N, X, Y, Z.

<sup>40</sup> *Department of the Navy v. Egan*, 484 U.S. 518, 528 (1988).

<sup>41</sup> *Egan* at 527.

<sup>42</sup> EO 10865 § 2.



Eligibility for a security clearance is predicated upon the applicant meeting the criteria contained in the AG. These guidelines are not inflexible rules of law. Instead, recognizing the complexities of human behavior, an administrative judge applies these guidelines in conjunction with an evaluation of the whole person. An administrative judge's overarching adjudicative goal is a fair, impartial, and commonsense decision. An administrative judge must consider all available and reliable information about the person, past and present, favorable and unfavorable.

The Government reposes a high degree of trust and confidence in persons with access to classified information. This relationship transcends normal duty hours and endures throughout off-duty hours. Decisions include, by necessity, consideration of the possible risk that the applicant may deliberately or inadvertently fail to safeguard classified information. Such decisions entail a certain degree of legally permissible extrapolation about potential, rather than actual, risk of compromise of classified information.

Clearance decisions must be made "in terms of the national interest and shall in no sense be a determination as to the loyalty of the applicant concerned."<sup>43</sup> Thus, a decision to deny a security clearance is merely an indication the applicant has not met the strict guidelines the President and the Secretary of Defense have established for issuing a clearance.

Initially, the Government must establish, by substantial evidence, conditions in the personal or professional history of the applicant that may disqualify the applicant from being eligible for access to classified information. The Government has the burden of establishing controverted facts alleged in the SOR.<sup>44</sup> "Substantial evidence" is "more than a scintilla but less than a preponderance."<sup>45</sup> The guidelines presume a nexus or rational connection between proven conduct under any of the criteria listed therein and an applicant's security suitability.<sup>46</sup> Once the Government establishes a disqualifying condition by substantial evidence, the burden shifts to the applicant to rebut, explain, extenuate, or mitigate the facts.<sup>47</sup> An applicant has the burden of proving a mitigating condition, and the burden of disproving it never shifts to the Government.<sup>48</sup>

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<sup>43</sup> EO 10865 § 7.

<sup>44</sup> See *Egan*, 484 U.S. at 531.

<sup>45</sup> See *v. Washington Metro. Area Transit Auth.*, 36 F.3d 375, 380 (4th Cir. 1994).

<sup>46</sup> See ISCR Case No. 92-1106 at 3, 1993 WL 545051 at \*3 (App. Bd. Oct. 7, 1993).

<sup>47</sup> Directive ¶ E3.1.15.

<sup>48</sup> See ISCR Case No. 02-31154 at 5 (App. Bd. Sep. 22, 2005).

An applicant “has the ultimate burden of demonstrating that it is clearly consistent with the national interest to grant or continue his security clearance.”<sup>49</sup> “[S]ecurity clearance determinations should err, if they must, on the side of denials.”<sup>50</sup>

## **Analysis**

### **Guideline F (Financial Considerations)**

The concern under this guideline is set out in AG ¶ 18:

Failure to live within one's means, satisfy debts, and meet financial obligations may indicate poor self-control, lack of judgment, 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. Financial distress can also be caused or exacerbated by, and thus can be a possible indicator of, other issues of personnel security concern such as excessive gambling, mental health conditions, substance misuse, or alcohol abuse or dependence. An individual who is financially overextended is at greater risk of having to engage in illegal or otherwise questionable acts to generate funds . . . .

This concern is broader than the possibility that a person might knowingly compromise classified information to raise money. It encompasses concerns about a person's self-control, judgment, and other qualities essential to protecting classified information. A person who is financially irresponsible may also be irresponsible, unconcerned, or negligent in handling and safeguarding classified information.<sup>51</sup>

Applicant's Chapter 7 bankruptcy and post-bankruptcy delinquent debts establish two disqualifying conditions under this guideline: AG ¶ 19(a) (inability to satisfy debts) and AG ¶ 19(c) (a history of not meeting financial obligations).

The security concerns raised in the SOR under this guideline have not been mitigated by any of the following potentially applicable factors:

AG ¶ 20(a): the behavior happened so long ago, was so infrequent, or occurred under such circumstances that it is unlikely to recur and does not cast doubt on the individual's current reliability, trustworthiness, or good judgment;

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<sup>49</sup> ISCR Case No. 01-20700 at 3 (App. Bd. Dec. 19, 2002).

<sup>50</sup> *Egan*, 484 U.S. at 531; See also AG ¶ 2(b).

<sup>51</sup> See ISCR Case No. 11-05365 at 3 (App. Bd. May 1, 2012).

AG ¶ 20(b): the conditions that resulted in the financial problem were largely beyond the person's control (e.g., loss of employment, a business downturn, unexpected medical emergency, a death, divorce or separation, clear victimization by predatory lending practices, or identity theft), and the individual acted responsibly under the circumstances;

AG ¶ 20(d): the individual initiated and is adhering to a good-faith effort to repay overdue creditors or otherwise resolve debts;

AG ¶ 20(e): the individual has a reasonable basis to dispute the legitimacy of the past-due debt which is the cause of the problem and provides documented proof to substantiate the basis of the dispute or provides evidence of actions to resolve the issue; and

AG ¶ 20(g): the individual has made arrangements with the appropriate tax authority to file or pay the amount owed and is in compliance with those arrangements.<sup>52</sup>

Applicant has substantial unresolved delinquent debts, including unalleged delinquent tax debt. While her delinquent debts resulted from circumstances largely beyond her control, Applicant did not act responsibly to address them. Hiring a company to assist her with having debts deleted from her credit reports by falsely claiming that they did not belong to her is not a “good-faith” effort to resolve Applicant’s debts. Applicant did not establish, by substantial evidence, the payment or other resolution of any SOR debt except for that alleged in ¶ 1.a. Even after the record was left open for an extended period after her hearing, Applicant did not pay or make arrangements to pay her delinquent debts. I cannot conclude that her financial problems are under control or not likely to recur. Even if each of the SOR debts were successfully removed from Applicant’s credit reports, concerns would persist about her reliability, trustworthiness, and good judgment given that she had no reasonable basis to dispute the legitimacy of any of her delinquent debts.

### **Guideline E (Personal Conduct)**

The concern under this guideline is set out in AG ¶ 15:

Conduct involving questionable judgment, lack of candor, dishonesty, or unwillingness to comply with rules and regulations can raise questions about an individual's reliability, trustworthiness, and ability to protect classified or sensitive information. Of special interest is any failure to cooperate or provide truthful and candid answers during national security investigative or adjudicative processes. The following will normally result in an unfavorable national security eligibility determination, security

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<sup>52</sup> Since tax issues were not alleged in the SOR and there was no amendment to the SOR to include the tax issue, I am considering Applicant’s tax issues for mitigating and not disqualifying purposes.

clearance action, or cancellation of further processing for national security eligibility:

- (a) refusal, or failure without reasonable cause, to undergo or cooperate with security processing, including but not limited to meeting with a security investigator for subject interview, completing security forms or releases, cooperation with medical or psychological evaluation, or polygraph examination, if authorized and required; and
- (b) refusal to provide full, frank, and truthful answers to lawful questions of investigators, security officials, or other official representatives in connection with a personnel security or trustworthiness determination.

The omissions of Applicant's automobile repossessions and delinquent debts from her SCA renders the following disqualifying condition under this guideline potentially applicable:

AG ¶ 16(a): deliberate omission, concealment, or falsification of relevant facts from any personnel security questionnaire, personal history statement, or similar form used to conduct investigations, determine employment qualifications, award benefits or status, determine national security eligibility or trustworthiness, or award fiduciary responsibilities.

When a falsification allegation is controverted, the Government has the burden of proving it. An omission, standing alone, does not prove falsification. An administrative judge must consider the record evidence as a whole to determine an applicant's state of mind at the time of the omission. An applicant's level of education and business experience are relevant to determining whether a failure to disclose relevant information on a security clearance application was deliberate.

I did not find credible Applicant's explanations and excuses for failing to report her known derogatory financial information on her SCA. At the time that she certified her SCA, she knew that she had three automobile repossessions even if she did not know details about them or her other delinquent debts. I find substantial evidence of an intent on the part of the Applicant to omit security-significant facts from her SCA. Therefore, AG ¶ 16(a) is established.

The following are potentially relevant mitigating conditions under this guideline:

AG ¶ 17(a): the individual made prompt, good-faith efforts to correct the omission, concealment, or falsification before being confronted with the facts; and

AG ¶ 17(c): the offense is so minor, or so much time has passed, or the behavior is so infrequent, or it happened under such unique

circumstances that it is unlikely to recur and does not cast doubt on the individual's reliability, trustworthiness, or good judgment.

Applicant self-reported her known automobile repossessions during her interview before being confronted with them. She was unaware of other delinquent debts at the time she completed her SCA. Applicant understands the impact of omitting derogatory information from an SCA and promised that she would avoid doing so on future SCAs. Having observed her demeanor at the hearing on this topic to be sincere and credible, I am convinced that her lack of candor is unlikely to recur and does not cast doubt on her reliability, trustworthiness, and good judgment. AG ¶¶ 17(a) and (c) apply.

### ***Whole-Person Concept***

Under AG ¶ 2(c), the ultimate determination of whether the granting or continuing of national security eligibility is clearly consistent with the interests of national security must be an overall commonsense judgment based upon careful consideration of the adjudicative guidelines, each of which is to be evaluated in the context of the whole person. An administrative judge should consider the nine adjudicative process factors listed at AG ¶ 2(d):

(1) the nature, extent, and seriousness of the conduct; (2) the circumstances surrounding the conduct, to include knowledgeable participation; (3) the frequency and recency of the conduct; (4) the individual's age and maturity at the time of the conduct; (5) the extent to which participation is voluntary; (6) the presence or absence of rehabilitation and other permanent behavioral changes; (7) the motivation for the conduct; (8) the potential for pressure, coercion, exploitation, or duress; and (9) the likelihood of continuation or recurrence.

I have incorporated my comments under Guidelines F and E in my whole-person analysis, and I have considered the whole-person factors in AG ¶ 2(d). Applicant has certainly endured a tremendous amount of loss and heartache over the years. By all accounts, she has maintained her professionalism and stellar work ethic throughout those challenges, for which she should be commended. However, these facts do not suffice to overcome the security concerns raised by her persistent financial indebtedness. After weighing the disqualifying and mitigating conditions under Guidelines F and E, and evaluating all the evidence in the context of the whole person, I conclude that Applicant has mitigated the security concerns raised by her personal conduct, but not those raised by her financial indebtedness. Accordingly, Applicant has not carried her burden of showing that it is clearly consistent with the national interest to grant her eligibility for access to classified information.

### **Formal Findings**

I make the following formal findings on the allegations in the SOR:

Paragraph 1, Guideline F (Financial Considerations): AGAINST APPLICANT

Subparagraph 1.a: For Applicant

Subparagraphs 1.b – 1.w: Against Applicant

Paragraph 2, Guideline E (Personal Conduct): FOR APPLICANT

Subparagraphs 2.a – 2.b: For Applicant

### **Conclusion**

I conclude that it is not clearly consistent with the national interest to grant Applicant's eligibility for access to classified information. Clearance is denied.

Gina L. Marine  
Administrative Judge