



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



In the matter of:

ISCR Case No. 17-01233

Applicant for Security Clearance

Appearances

For Government: Chris Morin, Esq., Department Counsel
For Applicant: *Pro se*

06/12/2018

Decision

TUIDER, Robert, Administrative Judge:

On May 6, 2015, Applicant submitted a Questionnaire for National Security Positions (SF-86). On May 23, 2017, after reviewing the application and information gathered during a background investigation, the Department of Defense (DOD) Consolidated Adjudications Facility, Fort Meade, Maryland, sent Applicant a statement of reasons (SOR), explaining it was unable to find that it was clearly consistent with the national interest to grant him eligibility for access to classified information.¹ The SOR detailed the factual reasons for the action under the security guideline known as Guideline F for financial considerations. Applicant timely answered the SOR and requested a hearing.

¹This case is adjudicated 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), which became effective on June 8, 2017.

On March 20, 2018, the case was assigned to me. On May 10, 2018, the hearing was held as scheduled. After reviewing Applicant's hearing transcript, evidence, and post-hearing evidence, I emailed the parties indicating that this case was appropriate for a summary disposition in Applicant's favor. Applicant did not object. Department Counsel had 10 days to consider the matter and then provided timely written notice that Department Counsel did not object.

Applicant's SOR listed seven allegations consisting primarily of consumer and credit card debt under Guideline F. Department Counsel withdrew one of the SOR allegations at the hearing leaving six allegations. Applicant's financial difficulties stem from uncovered medical bills and travel costs associated with securing medical treatment for his infant son. Applicant has since regained control of his finances and has paid or is in an established payment plan for each of the remaining six debts.

Applicant successfully held a security clearance during his eight years in the U.S. Marine Corps. He has an excellent reputation for trustworthiness. Based on the record evidence as a whole, I conclude that Department Counsel presented sufficient evidence to establish the facts alleged in the SOR under Guideline F. I also conclude that Applicant presented sufficient evidence to explain, extenuate, or mitigate the facts admitted by Applicant or proven by Department Counsel. In particular, I conclude that the financial considerations security concerns are resolved in whole or in part under the mitigating conditions AG ¶¶ 20(a) through (d).

The concerns over Applicant's history of financial problems 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 if the favorable evidence outweighed the unfavorable evidence or *vice versa*. I also gave due consideration to the whole-person concept. Accordingly, Applicant met his ultimate burden of persuasion to show that it is clearly consistent with the national interest to grant his eligibility for access to classified information. This case is decided for Applicant.

Robert Tuider
Administrative Judge