



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



In the matter of:

ISCR Case No. 17-03182

Applicant for Security Clearance

Appearances

For Government: Adrienne Driskill, Esq., Department Counsel

For Applicant: *Pro se*

January 16, 2018

Decision

GOLDSTEIN, Jennifer I., Administrative Judge:

On October 20, 2017, the Department of Defense (DOD) issued a Statement of Reasons to Applicant detailing security concerns under Guideline F, Financial Considerations.¹ Applicant responded to the SOR on October 28, 2017, and requested a decision based on the administrative record. On January 4, 2018, he requested a hearing before an administrative judge. The case was assigned to me on January 4, 2018. Applicant waived the 15-day notice requirement. The hearing was held as scheduled on January 10, 2018. On that date, after the hearing, I proposed to the parties that this case was appropriate for a summary disposition in Applicant's favor. Department Counsel did not object.

Applicant is a 31-year-old, U.S. citizen who has worked for a defense contractor since September 2015. He served in the Marine Corps from 2004 to 2009 and was

¹ This 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, which became effective on June 8, 2017.

honorably discharged. He held a security clearance from 2005 to 2010. He is divorced and has no children. (GE 1.)

Applicant married his ex-wife in 2007. In 2011 his wife developed debilitating medical issues that required extensive hospitalizations. Despite having medical insurance, Applicant incurred significant debt related to his wife's treatment. Applicant also let other accounts fall into default as he fought to pay his wife's medical bills. The medical debt and consumer debt incurred during that time frame was alleged in the SOR ¶¶ 1.a through 1.v, which Applicant admitted. (GE 1; GE 2.) The debts total \$32,458. (GE 3; GE 4.)

While Applicant's debts were accruing, he attempted to address them responsibly. He acquired a second full-time job at a retail store to bring in more income. He only spent money on necessities. He attended financial counseling. However, he could not earn enough despite these efforts to pay all of his debts. His financial difficulties were compounded by unemployment in 2013, his marital separation in November 2016, and his April 2017 divorce from his ex-wife. He is required to pay his ex-wife alimony of \$2,600 per month until December 2020. (GE 1; AE F.)

On October 27, 2017, Applicant filed for Chapter 7 bankruptcy protection. He listed each of the debts alleged in to SOR. His attorney reported, "there are no evident issues in his case; his complete discharge is expected with no complications or issues." (AE A; AE B; AE G.) He has completed financial counseling and is not incurring new debt. (AE H.)

Mitigating conditions set out in AG ¶¶ 20(a) and 20(b) have been established by the evidence. There is no doubt about Applicant's 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 the favorable evidence outweighed the unfavorable evidence. I also gave due consideration to the whole-person concept. Accordingly, I conclude that Applicant met his ultimate burden of persuasion to show that it is clearly consistent with the national interest to grant him national security eligibility for access to classified information. This case is decided for Applicant.

Jennifer Goldstein
Administrative Judge