



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



In the matter of:)
)
) ISCR Case No. 17-03249
)
Applicant for Security Clearance)

Appearances

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

05/30/2018

Decision

TUIDER, Robert, Administrative Judge:

On February 29, 2016, Applicant submitted a Questionnaire for National Security Positions (SF-86). On December 20, 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 22, 2018, the case was assigned to me. On May 11, 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 provided written notice that Department Counsel did not object.

Applicant's SOR listed two allegations under Guideline F for failing to file his Federal and state income tax returns for 2013 and 2014. Applicant submitted evidence that he suffered from debilitating depression after a series of significant personal tragedies after returning from a "bad deployment" in Iraq. Among the many challenges facing him, he discovered his former wife failed to file their tax joint returns while he was deployed. Applicant has since regained control of his personal and professional life, filed his back taxes, and is managing his finances in a responsible manner.

Applicant successfully held a security clearance for approximately 26 years that includes 20 years of honorable service 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), (b), and (g).

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 Tuidor
Administrative Judge