



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



In the matter of:)
)
 ---) ISCR Case No. 18-00504
)
 Applicant for Security Clearance)

Appearances

For Government: Gatha Manns, Esquire, Department Counsel
For Applicant: *Pro se*

10/12/2018

Decision

GALES, Robert Robinson, Administrative Judge:

Applicant failed to mitigate the security concerns regarding financial considerations. Eligibility for a security clearance is denied.

Statement of the Case

On July 25, 2016, Applicant applied for a security clearance and submitted an Electronic Questionnaire for Investigations Processing (e-QIP) version of a Security Clearance Application. On March 8, 2018, the Department of Defense (DOD) Consolidated Adjudications Facility (CAF) issued a Statement of Reasons (SOR) to him, under Executive Order (Exec. Or.) 10865, *Safeguarding Classified Information within Industry* (February 20, 1960), as amended and modified; DOD Directive 5220.6, *Defense Industrial Personnel Security Clearance Review Program* (January 2, 1992), as amended and modified (Directive); and Directive 4 of the Security Executive Agent (SEAD 4), (December 10, 2016), *National Security Adjudicative Guidelines* (AG) for all covered individuals who require initial or continued eligibility for access to classified information or eligibility to hold a sensitive position, effective June 8, 2017.

The SOR alleged security concerns under Guideline F (Financial Considerations), and detailed reasons why the DOD adjudicators were unable to find that it is clearly consistent with the national interest to grant or continue a security clearance for Applicant. The SOR recommended referral to an administrative judge to determine whether a clearance should be granted, continued, denied, or revoked.

It is unclear as to when Applicant received the SOR as there is no receipt in the case file. In a sworn statement, dated March 20, 2018, Applicant responded to the SOR and elected to have his case decided on the written record in lieu of a hearing. A complete copy of the Government's file of relevant material (FORM) was mailed to Applicant by the Defense Office of Hearings and Appeals (DOHA) on May 11, 2018, and he was afforded an opportunity, within a period of 30 days after receipt of the FORM, to file objections and submit material in refutation, extenuation, or mitigation. In addition to the FORM, Applicant was furnished a copy of the Directive as well as the Adjudicative Guidelines applicable to his case. Applicant received the FORM on May 24, 2018. Applicant's response was due on June 23, 2018. Applicant timely submitted several documents in response to the FORM, and they were admitted as Applicant exhibits without objection. The case was assigned to me on July 27, 2018.

Findings of Fact

In his Answer to the SOR, Applicant admitted nearly all of the factual allegations pertaining to financial considerations of the SOR (SOR ¶¶ 1.a. through 1.r., 1.t., 1.v., 1.x., and 1.y.). In addition, he added comments to some of his answers. Applicant's admissions and comments are incorporated herein as findings of fact. After a complete and thorough review of the evidence in the record, and upon due consideration of same, I make the following additional findings of fact:

Applicant is a 46-year-old employee of a defense contractor. He has been serving as a desktop support specialist with his current employer since March 2017. A 1991 high school graduate, Applicant earned an Associate's degree in 2012, as well as some additional college credits, but no other degree. He has never served with the U.S. military. He has never held a security clearance. Applicant was married in 1997, and divorced in 2002. He was remarried in 2015, and separated in 2016. He has six children, five of whom were born out of wedlock: three sons, born in 2002, 2005, and 2007; and three daughters, born in 1997, 2005, and 2008.

Financial Considerations¹

When Applicant completed his e-QIP in July 2016, he reported six issues regarding his finances: delinquent accounts or judgments associated with unpaid rent and an automobile loan. He denied having any other financial delinquencies. When he was interviewed by an investigator from the U.S. Office of Personnel Management (OPM) in May 2017, Applicant characterized his current financial situation as “getting better,” and he acknowledged that he is not meeting all his current obligations on time. He discussed several delinquent accounts that he had failed to list in his e-QIP. However, when the investigator confronted him with information regarding several other delinquent accounts, Applicant openly discussed some of them, but claimed to have no knowledge of numerous other delinquent accounts, including judgments. In his Answer to the SOR, Applicant attributed his financial problems, in part, to his frequent periods of unemployment and having insufficient funds to maintain his financial responsibilities. He denied living above his means, and claimed that he “just ran into some hard times.” In fact, some of those “hard times” were the result of his being fired or otherwise terminated from positions with various employers. Applicant said he was doing his best until he could get back on his feet financially. He noted that he had managed to resolve some debts, and was current with contemporary child support payments, but he acknowledged still having some child support arrearage to catch up.

The SOR identified 25 purportedly delinquent accounts that had been placed for collection, charged off, or filed as judgments, as generally reflected by Applicant’s 2016 or 2018 credit reports. Applicant contended that some of the outstanding balances identified in the SOR would be reduced once a written repayment plan is established, but he offered no documents to reflect that any such repayment plans had been established, or any payments had been made. Those debts, totaling approximately \$97,245, are described below:

There are 11 student loan accounts, all of which were at least 120 days or more past due, with remaining balances of \$14,274 (SOR ¶ 1.a.); \$9,578 (SOR ¶ 1.c.); \$9,331 (SOR ¶ 1.d.); \$5,573 (SOR ¶ 1.e.); \$5,391 (SOR ¶ 1.f.); \$5,349 (SOR ¶ 1.g.); \$4,336 (SOR ¶ 1.i.); \$3,592 (SOR ¶ 1.j.); \$2,749 (SOR ¶ 1.l.); \$1,875 (SOR ¶ 1.m.); and \$458 (SOR ¶ 1.o.).² Applicant’s May 2018 credit report reflects that he has made no monthly payments on the accounts since 2016, some of the accounts were in a deferred status until August 6, 2018, and until that date, those accounts were considered current. In his Answer to the SOR, Applicant admitted that all of the student loans remain delinquent. Other than his comment regarding the largest student loan being in forbearance,³

¹ General source information pertaining to the financial accounts discussed below can be found in the following exhibits: Item 2 (Answer to the SOR, dated March 20, 2018); Item 3 (e-QIP, dated July 25, 2016); Item 4 (Equifax Credit Report, dated January 23, 2018); Item 5 (Combined Experian, TransUnion, and Equifax Credit Report, dated August 2, 2016); Item 6 (Judgment Filings, various dates); and Item 7 (Personal Subject Interview, dated May 19, 2017); TransUnion Credit Report, dated May 22, 2018, attached to Applicant’s Response to the FORM.

² Item 4, *supra* note 1, at 2-3.

³ Item 2, *supra* note 1, at 1.

Applicant submitted no documents to support conclusions that the accounts were still in a deferred status, or that he had made any payments regarding them. The accounts have not been resolved;

There is a child support arrearage in the approximate amount of \$13,058 that remains unpaid (SOR ¶ 1.b.);⁴ a credit card with a past-due and remaining balance of \$4,365 that remains unpaid, although Applicant contends the balance will be reduced with a repayment agreement, but no such agreement was submitted (SOR ¶ 1.h.);⁵ a furniture store charge account for which \$3,415 was charged off that remains unpaid, although Applicant contends the balance will be reduced with a repayment agreement, but no such agreement was submitted (SOR ¶ 1.k.);⁶ a telephone account with an unpaid balance of \$897 that remains unpaid, although Applicant contends the balance will be reduced with a repayment agreement, but no such agreement was submitted (SOR ¶ 1.n.);⁷ an internet account with an unpaid balance of \$425 that remains unpaid, although Applicant contends the balance will be reduced with a repayment agreement, but no such agreement was submitted (SOR ¶ 1.p.);⁸ a department store charge account with an unpaid balance of \$344 that was charged off and remains unpaid, although Applicant contends the balance will be reduced with a repayment agreement, but no such agreement was submitted (SOR ¶ 1.q.);⁹ an automobile loan for a repossessed vehicle with an unpaid balance of \$4,737 that was charged off and remains unpaid, although Applicant contends the balance will be reduced with a repayment agreement, but no such agreement was submitted (SOR ¶ 1.v.);¹⁰ an unspecified type of account with an unpaid balance of \$1,126 that remains unpaid, and Applicant claims to have no idea about the account (SOR ¶ 1.w.);¹¹ a medical account with an unpaid balance of \$858 that remains unpaid, although Applicant contends the balance will be reduced with a repayment agreement, but no such agreement was submitted (SOR ¶ 1.x.);¹² and a telephone account with an unpaid balance of \$156 that remains unpaid, although Applicant contends the balance will be reduced with a repayment agreement, but no such agreement was submitted (SOR ¶ 1.y.).¹³ Those accounts have not been resolved.

⁴ Item 4, *supra* note 1, at 2; Item 5, *supra* note 1, at 14, 16.

⁵ Item 4, *supra* note 1, at 2; Item 5, *supra* note 1, at 13.

⁶ Item 4, *supra* note 1, at 2.

⁷ Item 4, *supra* note 1, at 3.

⁸ Item 4, *supra* note 1, at 3.

⁹ Item 4, *supra* note 1, at 3; Item 5, *supra* note 1, at 13.

¹⁰ Item 5, *supra* note 1, at 8, 16.

¹¹ Item 5, *supra* note 1, at 9.

¹² Item 5, *supra* note 1, at 13.

¹³ Item 5, *supra* note 1, at 14.

There are two separate default judgments based on unlawful detainer¹⁴ in the amounts of \$999 each, filed by the same creditor in June and July 2010, neither of which has been paid (SOR ¶¶ 1.r. and 1.s.);¹⁵ and there are another two separate default judgments based on unlawful detainer in the amounts of \$1,590 each, filed by another creditor in May and June 2011, neither of which has been paid (SOR ¶¶ 1.t. and 1.u.).¹⁶ Although Applicant contended that the latter two judgments were duplicates, they are not, as each one has a separate case number. In May 2017, Applicant claimed to the OPM investigator that he was not aware of the four judgments,¹⁷ a situation that was possible, but not likely, considering that they were all default judgments. However, during the ensuing year, he offered no indication that he had established any repayment plan or made any payments to the creditors. Those judgments have not been resolved.

Applicant contended that when his financial circumstances permitted, he was able to resolve some non-SOR debts, but the few documents he submitted reflected minimal or unspecified payments to some creditors in February 2014; August 2015; and June 2018. He also indicated that when he is in a better financial situation, he intends to set up repayment arrangements to pay off his delinquent accounts in the very near future.¹⁸

Applicant's recent Pay Statement reflects that through June 1, 2018, he had received gross wages of \$19,555.59, but after deductions, his net pay was \$5,967.84. Among his deductions were separate child support payments totaling, year to date, \$3,451.80 and \$3,560.51. There are no payments to creditors listed.¹⁹ He did not indicate if he has any monthly remainder that might be available for discretionary spending or savings. There is no evidence of a budget. There is no evidence of financial counseling. Applicant offered no evidence to indicate that his financial situation is now under control, but to the contrary, he stated that if he can obtain a security clearance, his financial situation should improve.

¹⁴ Unlawful Detainer is the act of retaining possession of property without legal right. The term unlawful detainer ordinarily refers to the conduct of a tenant who is in possession of an apartment or leased property and refuses to leave the premises upon the expiration or termination of the lease. See <https://legal-dictionary.thefreedictionary.com/Unlawful+Detainer>

¹⁵ Item 5, *supra* note 1, at 5; Item 6, *supra* note 1, at 1-2.

¹⁶ Item 5, *supra* note 1, at 5; Item 6, *supra* note 1, at 3-4.

¹⁷ Item 7, *supra* note 1, at 14.

¹⁸ It should be noted that the Appeal Board has indicated that promises to pay off delinquent debts in the future are not a substitute for a track record of paying debts in a timely manner and otherwise acting in a financially responsible manner. ISCR Case No. 07-13041 at 4 (App. Bd. Sep. 19, 2008) (citing ISCR Case No. 99-0012 at 3 (App. Bd. Dec. 1, 1999)).

¹⁹ Pay Statement, dated June 1, 2018, attached to Applicant's Response to the FORM.

Policies

The U.S. Supreme Court has recognized the substantial discretion of the Executive Branch in regulating access to information pertaining to national security emphasizing, “no one has a ‘right’ to a security clearance.”²⁰ 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. The President has authorized the Secretary of Defense or his designee to grant an applicant eligibility for access to classified information “only upon a finding that it is clearly consistent with the national interest to do so.”²¹

When evaluating an applicant’s suitability for a security clearance, the administrative judge must consider the guidelines in SEAD 4. In addition to brief introductory explanations for each guideline, the guidelines list potentially disqualifying conditions and mitigating conditions, which are used in evaluating an applicant’s eligibility for access to classified information.

An administrative judge need not view the guidelines as inflexible, ironclad rules of law. Instead, acknowledging the complexities of human behavior, these guidelines are applied in conjunction with the factors listed in the adjudicative process. The administrative judge’s overarching adjudicative goal is a fair, impartial, and commonsense decision. The entire process is a conscientious scrutiny of a number of variables known as the “whole-person concept.” The administrative judge must consider all available, reliable information about the person, past and present, favorable and unfavorable, in making a meaningful decision.

In the decision-making process, facts must be established by “substantial evidence.”²² The Government initially has the burden of producing evidence to establish a potentially disqualifying condition under the Directive, and has the burden of establishing controverted facts alleged in the SOR. Once the Government has produced substantial evidence of a disqualifying condition, under Directive ¶ E3.1.15, the applicant has the burden of persuasion to present evidence in refutation, explanation, extenuation or mitigation, sufficient to overcome the doubts raised by the Government’s case. The burden of disproving a mitigating condition never shifts to the Government.²³

²⁰ *Department of the Navy v. Egan*, 484 U.S. 518, 528 (1988).

²¹ Exec. Or. 10865, *Safeguarding Classified Information within Industry* § 2 (Feb. 20, 1960), as amended and modified.

²² “Substantial evidence [is] such relevant evidence as a reasonable mind might accept as adequate to support a conclusion in light of all contrary evidence in the record.” ISCR Case No. 04-11463 at 2 (App. Bd. Aug. 4, 2006) (citing Directive ¶ E3.1.32.1). “Substantial evidence” is “more than a scintilla but less than a preponderance.” See *v. Washington Metro. Area Transit Auth.*, 36 F.3d 375, 380 (4th Cir. 1994).

²³ See ISCR Case No. 02-31154 at 5 (App. Bd. Sep. 22, 2005).

A person who seeks access to classified information enters into a fiduciary relationship with the Government predicated upon trust and confidence. This relationship transcends normal duty hours and endures throughout off-duty hours as well. It is because of this special relationship that the Government must be able to repose a high degree of trust and confidence in those individuals to whom it grants access to classified information. Decisions include, by necessity, consideration of the possible risk the applicant may deliberately or inadvertently fail to safeguard classified information. Such decisions entail a certain degree of legally permissible extrapolation as to potential, rather than actual, risk of compromise of classified information. Furthermore, "security clearance determinations should err, if they must, on the side of denials."²⁴

Clearance decisions must be "in terms of the national interest and shall in no sense be a determination as to the loyalty of the applicant concerned."²⁵ Thus, nothing in this decision should be construed to suggest that I have based this decision, in whole or in part, on any express or implied determination as to Applicant's allegiance, loyalty, or patriotism. It is merely an indication the Applicant has or has not met the strict guidelines the President and the Secretary of Defense have established for issuing a clearance. In reaching this decision, I have drawn only those conclusions that are reasonable, logical, and based on the evidence contained in the record. Likewise, I have avoided drawing inferences grounded on mere speculation or conjecture.

Analysis

Guideline F, Financial Considerations

The security concern relating to the guideline for Financial Considerations 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. Affluence that cannot be explained by known sources of income is also a security concern insofar as it may result from criminal activity, including espionage.

²⁴ *Egan*, 484 U.S. at 531.

²⁵ See Exec. Or. 10865 § 7.

The guideline notes several conditions that could raise security concerns under AG 19:

- (a) inability to satisfy debts;
- (b) unwillingness to satisfy debts regardless of the ability to do so; and
- (c) a history of not meeting financial obligations.

Applicant had 25 delinquent accounts that had been placed for collection, charged off, or filed as judgments, totaling approximately \$97,245. He has never expressed an unwillingness to satisfy his debts, but instead claimed that he had insufficient funds to do so. AG ¶¶ 19(a) and 19(c) have been established. AG ¶ 19(b) has not been established.

The guideline also includes examples of conditions that could mitigate security concerns arising from financial difficulties under 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;²⁶
- (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;
- (c) the individual has received or is receiving financial counseling for the problem from a legitimate and credible source, such as a non-profit credit counseling service, and there are clear indications that the problem is being resolved or is under control;
- (d) the individual initiated and is adhering to a good-faith effort to repay overdue creditors or otherwise resolve debts;²⁷ and

²⁶ A debt that became delinquent several years ago is still considered recent because “an applicant’s ongoing, unpaid debts evidence a continuing course of conduct and, therefore, can be viewed as recent for purposes of the Guideline F mitigating conditions.” ISCR Case No. 15-06532 at 3 (App. Bd. Feb. 16, 2017) (citing ISCR Case No. 15-01690 at 2 (App. Bd. Sep. 13, 2016)).

²⁷ The Appeal Board has previously explained what constitutes a good-faith effort to repay overdue creditors or otherwise resolve debts:

In order to qualify for application of [the “good-faith” mitigating condition], an applicant must present evidence showing either a good-faith effort to repay overdue creditors or some other good-faith action aimed at resolving the applicant’s debts. The Directive does not define the term ‘good-faith.’ However, the Board has indicated that the concept of good-faith ‘requires a showing that a person acts in a way that shows reasonableness, prudence, honesty, and adherence to duty or obligation.’ Accordingly, an applicant must do more than

(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.

AG ¶ 20(b) minimally applies, but none of the remaining mitigating conditions apply. The nature, frequency, and recency of Applicant's continuing financial difficulties make it difficult to conclude that it occurred "so long ago" or "was so infrequent," or that it is "unlikely to recur." Applicant attributed his financial difficulties, in part, to his frequent periods of unemployment and having insufficient funds to maintain his financial responsibilities. He denied living above his means, and claimed that he "just ran into some hard times." As noted above, some of those "hard times" were the result of his being fired or otherwise terminated from positions with various employers. There is no documented proof that Applicant has actually contacted his creditors or collection agents to settle them.

Applicant's declared future intentions to pay his debts is simply a hope for financial improvement, not an established strategy for a financial plan. There is no documentation to reflect that Applicant made any efforts, before or after he was interviewed by OPM in May 2017, or before or after the SOR was issued in March 2018, to: obtain financial counseling from a legitimate and credible source, such as a non-profit credit counseling service; dispute his delinquent accounts with the credit reporting agencies or the creditors themselves; contact his creditors to set up repayment plans; or indicate that payments had been made to his creditors.²⁸ An applicant who begins to resolve his financial problems only after being placed on notice that his or her security clearance is in jeopardy may be lacking in the judgment and self-discipline to follow rules and regulations over time or when there is no immediate threat to his or her own interests.²⁹ In this instance, to date, there is no meaningful evidence that any corrective actions have been taken by Applicant. There is little evidence to conclude that Applicant's finances are under control.

Clearance decisions are aimed at evaluating an applicant's judgment, reliability, and trustworthiness. They are not a debt-collection procedure. The guidelines do not require an applicant to establish resolution of every debt or issue alleged in the SOR. An applicant needs only to establish a plan to resolve financial problems and take significant actions to implement the plan. There is no requirement that an applicant immediately resolve issues or make payments on all delinquent debts simultaneously, nor is there a requirement that the debts or issues alleged in an SOR be resolved first. Rather, a reasonable plan and concomitant conduct may provide for the payment of such debts, or

merely show that he or she relied on a legally available option (such as bankruptcy [or statute of limitations]) in order to claim the benefit of [the "good-faith" mitigating condition].

(internal citation and footnote omitted) ISCR Case No. 02-30304 at 3 (App. Bd. Apr. 20, 2004) (quoting ISCR Case No. 99-9020 at 5-6 (App. Bd. June 4, 2001)).

²⁸ See ISCR Case No. 12-01335 at 5 (App. Bd. Dec. 29, 2017).

²⁹ See, e.g., ISCR Case No. 17-01213 at 5 (App. Bd. Jun. 29, 2018); ISCR Case No. 17-00569 at 3-4 (App. Bd. Sept. 18, 2018).

resolution of such issues, one at a time. Mere promises to pay debts in the future, without further confirmed action, are insufficient.

Whole-Person Concept

Under the whole-person concept, the administrative judge must evaluate an applicant's eligibility for a security clearance by considering the totality of the applicant's conduct and all the circumstances. The administrative judge should consider the nine adjudicative process factors listed at SEAD 4, App. A, ¶ 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.

Under SEAD 4, App. A, ¶ 2(c), the ultimate determination of whether to grant a security clearance must be an overall commonsense judgment based upon careful consideration of the guidelines and the whole-person concept. Moreover, I have evaluated the various aspects of this case in light of the totality of the record evidence and have not merely performed a piecemeal analysis.³⁰

There is some evidence mitigating Applicant's conduct. Applicant is a 46-year-old employee of a defense contractor serving as a desktop support specialist with his current employer since March 2017. A 1991 high school graduate, Applicant earned an Associate's degree in 2012, as well as some additional college credits.

The disqualifying evidence under the whole-person concept is more substantial. Applicant has 25 delinquent accounts that had been placed for collection, charged off, or filed as judgments, totaling \$97,245. Among those debts are 11 student loan accounts, all of which were at least 120 days or more past due; 4 separate default judgments based on unlawful detainer; \$13,058 in child support arrearage; and a variety of delinquent credit cards, charge accounts, telephone accounts, medical accounts, and Internet accounts, none of which have been addressed by Applicant over a lengthy period.

The Appeal Board has addressed a key element in the whole-person analysis in financial cases stating:³¹

³⁰ See *U.S. v. Bottone*, 365 F.2d 389, 392 (2d Cir. 1966); See also ISCR Case No. 03-22861 at 2-3 (App. Bd. Jun. 2, 2006).

³¹ ISCR Case No. 07-06482 at 2-3 (App. Bd. May 21, 2008) (internal citations omitted).

In evaluating Guideline F cases, the Board has previously noted that the concept of “meaningful track record” necessarily includes evidence of actual debt reduction through payment of debts. However, an applicant is not required, as a matter of law, to establish that he [or she] has paid off each and every debt listed in the SOR. All that is required is that an applicant demonstrate that he [or she] has “. . . established a plan to resolve his [or her] financial problems and taken significant actions to implement that plan.” The Judge can reasonably consider the entirety of an applicant’s financial situation and his [or her] actions in evaluating the extent to which that applicant’s plan for the reduction of his outstanding indebtedness is credible and realistic. See Directive ¶ E2.2(a) (“Available, reliable information about the person, past and present, favorable and unfavorable, should be considered in reaching a determination.”) There is no requirement that a plan provide for payments on all outstanding debts simultaneously. Rather, a reasonable plan (and concomitant conduct) may provide for the payment of such debts one at a time. Likewise, there is no requirement that the first debts actually paid in furtherance of a reasonable debt plan be the ones listed in the SOR.

Applicant has demonstrated an extremely poor track record of debt reduction and elimination efforts, seemingly avoiding the debts in his name. Overall, the evidence leaves me with substantial questions and doubts as to Applicant’s eligibility and suitability for a security clearance. For all of these reasons, I conclude Applicant has failed to mitigate the security concerns arising from his financial considerations. See SEAD 4, App. A, ¶¶ 2(d)(1) through AG 2(d)(9).

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, Guideline F: AGAINST APPLICANT

Subparagraphs 1.a. through 1.y.: Against Applicant

Conclusion

In light of all of the circumstances presented by the record in this case, it is not clearly consistent with the national interest to grant Applicant eligibility for a security clearance. Eligibility for access to classified information is denied.

ROBERT ROBINSON GALES
Administrative Judge