



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



In the matter of:

Applicant for Security Clearance

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ISCR Case No. 24-01618

**Appearances**

For Government:

John Renahan, Esquire, Department Counsel

For Applicant:

*Pro se*

06/17/2025

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**Decision**

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CEFOLA, Richard A., Administrative Judge:

**Statement of the Case**

On September 25, 2024, in accordance with DoD Directive 5220.6, as amended (Directive), the Department of Defense issued Applicant a Statement of Reasons (SOR) alleging facts that raise security concerns under Guideline F (Financial Considerations). The SOR further informed Applicant that, based on information available to the government, DoD adjudicators could not make the preliminary affirmative finding that it is clearly consistent with the national interest to grant or continue Applicant's security clearance.

Applicant answered the SOR on October 25, 2024, and requested a hearing before an administrative judge. (Answer.) The case was assigned to me on April 10, 2025. The Defense Office of Hearings and Appeals (DOHA) issued a notice of hearing on April 15, 2025, scheduling the hearing for May 14, 2025. The hearing was convened as scheduled. The Government offered Exhibits (GXs) 1 through 5, which were admitted into evidence. Applicant testified on his own behalf. The record was left open until June 14, 2025, for receipt of additional documentation. Applicant presented nothing further. DOHA received the transcript of the hearing (TR) on May 27, 2025.

### **Findings of Fact**

Applicant admitted all the allegations in SOR. After a thorough and careful review of the pleadings, exhibits, and testimony, I make the following findings of fact.

Applicant is a 30-year-old employee of a defense contractor. He has been employed with the defense contractor since September of 2023. Applicant previously held a security clearance, while on active duty with the U.S. Army from 2015 to 2018. He was medically retired from the Army as the result of his service in Afghanistan. Applicant is divorced, but remarried. His current wife is unemployed. Applicant has one child from his first marriage, for whom he provides child support, and two children from his current marriage. (TR at page 5 line 20 to page 6 line 9, at page 13 line 15 to page 19 line 12, at page 40 lines 1~23, and GX 1 at pages 5, 10, 11, 13, 18~19, and 24~25.)

### **Guideline F - Financial Considerations**

Unbeknownst to Applicant, the alleged past-due debts were incurred by his former spouse while he was serving in Afghanistan. When he returned from his deployment, Applicant's spouse "went missing" for two to three years. She had settled in another state, where divorce proceedings were eventually initiated, which resulted in Applicant incurring responsibility for their indebtedness by virtue of his "parenting court order." (TR at page 19 line 18 to page 34 line 19.)

1.a. Applicant admits the past-due debt to Creditor A in the amount of about \$13,353. He has had little correspondence with this creditor; and despite have a month to do so, has submitted nothing further in this regard. (TR at page 34 line 24 to page 36 line 19.) This allegation is found against Applicant.

1.b. Applicant admits the past-due debt to Creditor B in the amount of about \$2,098. He avers that he knows little about this debt; and despite have a month to do so, has submitted nothing further in this regard. (TR at page 36 line 21 to page 37 line 3.) This allegation is found against Applicant.

1.c. Applicant admits the past-due debt to Creditor C in the amount of about \$1,765. He is familiar with this debt; but despite have a month to do so, has submitted nothing further in this regard. (TR at page 37 lines 4~20.) This allegation is found against Applicant.

1.d. Applicant admits the past-due debt to Creditor D in the amount of about \$686. He is unfamiliar with this debt; but despite have a month to do so, has submitted nothing further in this regard. (TR at page 37 line 21 to page 38 line 13.) This allegation is found against Applicant.

1.e. Applicant admits the past-due debt to Creditor E in the amount of about \$468. He is also unfamiliar with this debt; but despite have a month to do so, has submitted nothing further in this regard. (TR at page 38 lines 4~8.) This allegation is found against Applicant.

1.f. Applicant admits the past-due debt to Creditor F in the amount of about \$240. He is familiar with this gym-membership debt; but despite have a month to do so, has submitted nothing further in this regard. (TR at page 38 lines 9~23.) This allegation is found against Applicant.

1.g. Applicant admits the past-due debt to Creditor G in the amount of about \$977. He is unfamiliar with this debt; but despite have a month to do so, has submitted nothing further in this regard. (TR at page 38 line 24 to page 39 line 4.) This allegation is found against Applicant.

## Policies

When evaluating an applicant's national security eligibility, the administrative judge must consider the adjudicative guidelines (AG). In addition to brief introductory explanations for each guideline, the adjudicative guidelines list potentially disqualifying conditions and mitigating conditions, which are to be used in evaluating an applicant's national security eligibility.

These guidelines are not inflexible rules of law. Instead, recognizing the complexities of human behavior, administrative judges apply the guidelines in conjunction with the factors listed in AG ¶ 2 describing the adjudicative process. The administrative judge's overarching adjudicative goal is a fair, impartial, and commonsense decision. According to AG ¶ 2(a), 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 decision.

The protection of the national security is the paramount consideration. AG ¶ 2(b) requires that “[a]ny doubt concerning personnel being considered for national security eligibility will be resolved in favor of the national security.” In reaching this decision, I have drawn only those conclusions that are reasonable, logical, and based on the evidence contained in the record.

Under Directive ¶ E3.1.14, the Government must present evidence to establish controverted facts alleged in the SOR. Directive ¶ E3.1.15 states the “applicant is responsible for presenting witnesses and other evidence to rebut, explain, extenuate, or mitigate facts admitted by the applicant or proven by Department Counsel, and has the ultimate burden of persuasion as to obtaining a favorable clearance decision.”

A person who applies for access to classified information seeks to enter into a fiduciary relationship with the Government predicated upon trust and confidence. This relationship transcends normal duty hours and endures throughout off-duty hours. The Government reposes a high degree of trust and confidence in 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 protect or 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.

Section 7 of Executive Order (EO) 10865 provides that adverse decisions shall be “in terms of the national interest and shall in no sense be a determination as to the loyalty of the applicant concerned.” See also EO 12968, Section 3.1(b) (listing multiple prerequisites for access to classified or sensitive information).

## 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.

The guideline notes several conditions that could raise security concerns under AG ¶ 19. Two are potentially applicable in this case:

- (a) inability to satisfy debts; and
- (c) a history of not meeting financial obligations.

Applicant has about \$19,587 of past-due debt, most of which was incurred by his former spouse. The evidence is sufficient to raise these disqualifying conditions.

AG ¶ 20 provides conditions that could mitigate security concerns. I considered all of the mitigating conditions under AG ¶ 20 including:

- (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;
- (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; and
- (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.

Although Applicant can attribute the vast majority of his admitted, past-due indebtedness to his former spouse, as a result of his divorce, Applicant has assumed that debt and done little to address it. Applicant's financial problems are ongoing. He has not demonstrated that future financial problems are unlikely. Mitigation under AG ¶ 20 has not been established.

## **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 relevant circumstances. The 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.

Under AG ¶ 2(c), the ultimate determination of whether to grant eligibility for a security clearance must be an overall commonsense judgment based upon careful consideration of the guidelines and the whole-person concept.

I considered the potentially disqualifying and mitigating conditions in light of all facts and circumstances surrounding this case. I have incorporated my comments under Guideline F in my whole-person analysis. Overall, the record evidence leaves me with questions and doubts as to Applicant's eligibility and suitability for a security clearance. For these reasons, I conclude Applicant failed to mitigate the Financial Considerations security concerns.

## **Formal Findings**

Formal findings for or against Applicant on the allegations set forth in the SOR, as required by ¶ E3.1.25 of the Directive, are:

**Paragraph 1, Guideline F:** AGAINST APPLICANT

**Subparagraphs 1.a~1.g:** **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 national security eligibility for a security clearance. Eligibility for access to classified information is denied.

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Richard A. Cefola  
Administrative Judge