



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



Appearances

For Government: George A. Hawkins, Esq., Department Counsel
For Applicant: *Pro se*

07/29/2025

Decision

HARVEY, Mark, Administrative Judge:

Guideline F (financial considerations) security concerns are not mitigated. Eligibility for access to classified information is denied.

Statement of the Case

On January 1, 2023, Applicant completed an Electronic Questionnaires for Investigations Processing or security clearance application (SCA). (Government Exhibit (GE) 1) On October 2, 2024, the Defense Counterintelligence and Security Agency (DCSA) issued a statement of reasons (SOR) to Applicant under Executive Order (Exec. Or.) 10865, *Safeguarding Classified Information within Industry* (February 20, 1960); Department of Defense (DOD) Directive 5220.6, *Defense Industrial Personnel Security Clearance Review Program* (Directive) (January 2, 1992), as amended; and Security Executive Agent Directive 4, establishing in Appendix A, the *National Security Adjudicative Guidelines for Determining Eligibility for Access to Classified Information or Eligibility to Hold a Sensitive Position* (AGs), effective June 8, 2017. (Hearing Exhibit (HE) 2)

The SOR detailed reasons why the DCSA did not find under the Directive that it is clearly consistent with the interests of national security to grant or continue a security clearance for Applicant and recommended referral to an administrative judge to determine

whether a clearance should be granted, continued, denied, or revoked. Specifically, the SOR set forth security concerns arising under Guideline F. (HE 2) On October 29, 2024, and December 2, 2024, Applicant provided his responses to the SOR. On March 5, 2025, Department Counsel issued the first amendment to the SOR. On March 7, 2025, Department Counsel was ready to proceed. On March 11, 2025, the case was assigned to me.

On March 13, 2025, the Defense Office of Hearings and Appeals (DOHA) issued a notice scheduling the hearing on May 6, 2025. The hearing was held as scheduled using the Microsoft Teams video teleconference system. On April 29, 2025, Department Counsel issued the second amendment to the SOR. The first and second SOR amendments added three additional alleged delinquent debts to the SOR.

During the hearing, Department Counsel offered five exhibits into evidence, and Applicant offered one exhibit into evidence. (Tr. 11, 17-20, 30-31; GEs 1-GE 5; Applicant Exhibit (AE A)) There were no objections, and all proffered exhibits were admitted into evidence. (Tr. 18, 20, 31) On May 19, 2025, DOHA received a copy of the transcript. Two exhibits were received after the hearing, and they were admitted into evidence without objection. (AE B; AE C) The record closed on July 8, 2025. (Tr. 54-55, 65)

Some details were excluded to protect Applicant's right to privacy. Specific information is available in the cited exhibits and transcript.

Findings of Fact

In Applicant's SOR response, he admitted the SOR allegations in ¶¶ 1.a through 1.c, and 1.f through 1.p. His admissions are accepted as findings of fact.

Applicant denied the SOR allegations in ¶¶ 1.d and 1.e because he is making the required child-support payments. (HE 3) He did not address the three delinquent debts alleged in the two SOR amendments, and no admissions are entered for those three alleged debts.

Applicant is 35 years old, and he has provided security services for a government contractor for three years. (Tr. 6, 9, 21; GE 1) In 2008, he graduated from high school, and he has about one year of college. (Tr. 6) He has never served in the military. (Tr. 7) He was married in 2009 and divorced in January of 2022. (Tr. 7, 21) His current marriage was in 2024. (Tr. 7) He has nine children, and they are ages 2, 4, 5, 10, 12, 12, 13, 14, and 15. (Tr. 7-8) His three youngest children live with Applicant and his current spouse. (Tr. 8) The other six children live with his first spouse. (Tr. 22-23) His current spouse started her employment outside their home three weeks before his hearing. (Tr. 41) Her monthly pay will be about \$2,000. (Tr. 41) He does not currently have a security clearance. (Tr. 36) He requires a security clearance to retain his current employment. (Tr. 35)

Financial Considerations

Applicant's current salary is \$22 an hour. (Tr. 36) His annual gross pay is about \$44,000, and his monthly take-home pay is about \$1,850. (Tr. 36-40) Applicant had financial difficulties because of expenses for his divorce, and a substantial part of his income goes to his former spouse for child support. (Tr. 37) His hours were reduced because he was depressed from the divorce. (Tr. 37) He has less than \$10 in his checking account; he does not have anything in his savings account; and he does not have a 401(k)-retirement account. (Tr. 41) He has not received credit counseling, and he does not use a monthly budget. (Tr. 42-43)

Applicant's SOR and two SOR amendments allege he has 20 delinquent debts totaling about \$60,000. The debts are substantiated in his credit bureau reports (CBRs). Their status is as follows:

SOR ¶ 1.a alleges Applicant has a charged-off debt for \$10,169. He cosigned on a loan to purchase a vehicle with his father. (Tr. 26; GE 5 at 1) The vehicle was stolen, and the vehicle insurance was insufficient to repay the loan. (Tr. 26) Applicant and his father have not been making payments on the loan. (Tr. 27) Applicant's last payment was in 2019. (Tr. 27)

SOR ¶ 1.b alleges Applicant has a debt placed for collection for \$1,776. He said he borrowed the funds; he did not contact the creditor; and he did not repay the debt. (Tr. 47-49; GE 5 at 1-2)

SOR ¶ 1.c alleges Applicant has a debt which is past due for \$14,816 and has a total loan balance of \$15,492. The balance in his March 5, 2025 CBR for this debt is \$16,168. (GE 5 at 4) The debt was a vehicle loan; the vehicle was totaled in an accident; and Applicant's vehicle insurance had lapsed. (Tr. 32-33) Applicant said he has not made any recent payments to address this debt. (Tr. 34)

SOR ¶ 1.d alleges Applicant has a child-support debt placed for collection for \$4,836, and SOR ¶ 1.e alleges he has a charged-off child-support debt for \$879. (Tr. 23-GE 5 at 5, 7) In about 2020, his child support arrearage during the pre-divorce separation was about \$20,000 because he was not paying child support. (Tr. 38; GE 3 at 2) The balances in his March 5, 2025 CBR for the two accounts are \$3,789 and \$748, respectively. He pays about \$1,500 monthly in child support automatically from his paycheck. (Tr. 24)

SOR ¶ 1.f alleges Applicant has a medical account placed for collection for \$652. He admitted responsibility for the debt, and he has not done anything to resolve it. (Tr. 51-52; GE 5 at 6)

SOR ¶ 1.g alleges Applicant has a medical account placed for collection for \$456. He said he believed he paid this debt. (Tr. 55; GE 5 at 8) However, he did not provide any documentation showing payment.

SOR ¶ 1.h alleges Applicant has a medical account placed for collection for \$1,959. He has not made any payments, and he does not have a payment plan. (Tr. 56-57; GE 5 at 8)

SOR ¶¶ 1.i through 1.m, 1.r, and 1.s allege Applicant has seven medical accounts placed for collection by the same collection agent as follows: \$1,381; \$970; \$1,481; \$2,029; \$1,043; \$871; and \$628, respectively. Applicant admitted his responsibility for these medical debts. (Tr. 43-44; HE 3; GE 4; GE 5) He went to the emergency room several times because he had COVID-19. (Tr. 45) He does not have a payment plan, and he has not made any payments to address these debts. (Tr. 44, 47)

SOR ¶ 1.n alleges Applicant has an account placed for collection for \$5,688. He said his apartment had flood damage. (Tr. 53) He complained to the landlord, and the landlord did not take prudent or effective measures to stop the flood damage. (Tr. 52-54) However, Applicant did not provide documentary evidence that he disputed the debt with his landlord, the collection agent, or with any CBRs.

SOR ¶ 1.o alleges Applicant has an account placed for collection for \$170. Applicant wanted to return the Internet connection equipment to a telecommunications company; however, the company did not want to accept it. (Tr. 49-50) He disputed his responsibility for this debt. (Tr. 50) However, he did not provide any documentation showing he disputed the debt with the collection agent or with any CBRs.

SOR ¶ 1.p alleges Applicant has an account placed for collection for \$1,200. Applicant said he resolved this debt in about or before 2019, and it is reported on his CBR with a zero balance. (Tr. 50; GE 5 at 4)

SOR ¶ 1.q alleges Applicant has a past-due debt for \$584. He admitted his responsibility for this debt. He believed that he paid it, and he could provide documentation after the hearing showing payment. (Tr. 51-52; GE 5 at 7) He did not provide proof of payment after his hearing.

SOR ¶ 1.t alleges Applicant has a charged-off debt for \$8,913. This debt resulted from a vehicle loan. (Tr. 27-28) Applicant and his former spouse were responsible for the debt. (Tr. 28) The vehicle was repossessed in 2019. (Tr. 28) The judge in his divorce said Applicant was not responsible for the debt because his spouse damaged the vehicle during their marriage. (Tr. 29) He did not provide a copy of the divorce decree. Applicant was unaware that the decision of the divorce court does not excuse his contractual duty to pay the creditor. (Tr. 30) On October 18, 2021, the creditor wrote Applicant and thanked him for the payment of \$800, and the creditor said the loan is now satisfied. (Tr. A)

A bankruptcy attorney recommended that Applicant file for a Chapter 7 Bankruptcy discharge of his debts. (Tr. 34-35) Applicant did not have the funds to pay the attorney, and the bankruptcy process was not started. (Tr. 62)

The original SOR did not allege any tax issues. Applicant said at his hearing that he had not filed his federal and state income tax returns for tax years (TYS) 2023 and

2024. (Tr. 57-60) As a result of this new information, Department Counsel moved to amend the SOR for the third time to add an allegation that Applicant had not filed his state and federal income tax returns for TYs 2023 and 2024. (Tr. 61) Applicant did not object, and I granted the motion to amend the SOR to add SOR allegation 1.u, that is, Applicant allegedly failed to file his TYs 2023 and 2024 federal and state income tax returns as of the date of his hearing, May 6, 2025.

Applicant said at his hearing that the tax returns were not filed because he did not have the funds to pay the tax-return preparer. (Tr. 58-59) He believed he would owe additional taxes when his tax returns were filed. (Tr. 58-60)

After his hearing, Applicant provided unsigned and undated federal and state tax returns for TYs 2023 and 2024. (AE B; AE C) For TY 2023, his federal income tax return indicates adjusted gross income of \$59,000 (rounded to nearest \$1,000), and federal income taxes owed of \$4,249. (AE B) His TY 2023 state income tax return indicates he should receive a refund of \$434. (AE B) For TY 2024, his federal income tax return indicates adjusted gross income for \$56,000 (rounded to nearest \$1,000), and federal income taxes owed of \$3,806. (AE C) His TY 2024 state income tax return indicates he should receive a refund of \$377. (AE C)

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.” *Department of the Navy v. Egan*, 484 U.S. 518, 528 (1988). 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.” *Id.* at 527. The President has authorized the Secretary of Defense or his designee to grant applicant’s eligibility for access to classified information “only upon a finding that it is clearly consistent with the national interest to do so.” Exec. Or. 10865, *Safeguarding Classified Information within Industry* § 2 (Feb. 20, 1960), as amended.

Eligibility for a security clearance is predicated upon the applicant meeting the criteria contained in the adjudicative guidelines. These guidelines are not inflexible rules of law. Instead, recognizing the complexities of human behavior, these guidelines are applied in conjunction with an evaluation of the whole person. An administrative judge’s overarching adjudicative goal is a fair, impartial, and commonsense decision. An administrative judge must consider all available, reliable information about the person, past and present, favorable, and unfavorable.

The Government reposes a high degree of trust and confidence in persons with access to classified information. This relationship transcends normal duty hours and endures throughout off-duty hours. 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 about potential, rather than actual, risk of compromise of classified information. 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.” See Exec. Or. 10865 § 7. Thus, nothing in this decision should be construed to suggest that it is based, in whole or in part, on any express or implied determination about applicant’s allegiance, loyalty, or patriotism. It is merely an indication the applicant has not met the strict guidelines the President, Secretary of Defense, and Director of National Intelligence have established for issuing a clearance.

Initially, the Government must establish, by substantial evidence, conditions in the personal or professional history of the applicant that may disqualify the applicant from being eligible for access to classified information. The Government has the burden of establishing controverted facts alleged in the SOR. See *Egan*, 484 U.S. at 531. “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). The guidelines presume a nexus or rational connection between proven conduct under any of the criteria listed therein and an applicant’s security suitability. See ISCR Case No. 95-0611 at 2 (App. Bd. May 2, 1996).

Once the Government establishes a disqualifying condition by substantial evidence, the burden shifts to the applicant to rebut, explain, extenuate, or mitigate the facts. Directive ¶ E3.1.15. An applicant “has the ultimate burden of demonstrating that it is clearly consistent with the national interest to grant or continue his [or her] security clearance.” ISCR Case No. 01-20700 at 3 (App. Bd. Dec. 19, 2002). The burden of disproving a mitigating condition never shifts to the Government. See ISCR Case No. 02-31154 at 5 (App. Bd. Sep. 22, 2005). “[S]ecurity clearance determinations should err, if they must, on the side of denials.” *Egan*, 484 U.S. at 531; see AG ¶ 2(b).

Analysis

Financial Considerations

AG ¶ 18 articulates the security concern for financial problems:

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.

The Appeal Board explained the scope and rationale for the financial considerations security concern in ISCR Case No. 11-05365 at 3 (App. Bd. May 1, 2012) (citation omitted) as follows:

This concern is broader than the possibility that an applicant might knowingly compromise classified information in order to raise money in satisfaction of his or her debts. Rather, it requires a Judge to examine the totality of an applicant's financial history and circumstances. The Judge must consider pertinent evidence regarding the applicant's self-control, judgment, and other qualities essential to protecting the national secrets as well as the vulnerabilities inherent in the circumstances. The Directive presumes a nexus between proven conduct under any of the Guidelines and an applicant's security eligibility.

AG ¶ 19 includes disqualifying conditions that could raise a security concern and may be disqualifying in this case:

- (a) inability to satisfy debts;
- (c) a history of not meeting financial obligations; and
- (f) failure to file or fraudulently filing annual Federal, state, or local income tax returns or failure to pay annual Federal, state, or local income tax as required.

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In ISCR Case No. 08-12184 at 7 (App. Bd. Jan. 7, 2010), the Appeal Board explained the role of CBRs in financial considerations analysis:

It is well-settled that adverse information from a credit report can normally meet the substantial evidence standard and the government's obligations under [Directive] ¶ E3.1.14 for pertinent allegations. At that point, the burden shifts to applicant to establish either that [he or] she is not responsible for the debt or that matters in mitigation apply.

(internal citation omitted).

The record establishes the disqualifying conditions in AG ¶¶ 19(a), 19(c), and 19(f). requiring additional inquiry about the possible applicability of mitigating conditions. Discussion of the disqualifying conditions is contained in the mitigation section, *infra*. The financial considerations mitigating conditions under AG ¶ 20 which may be applicable in this case are as follows:

- (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;
- (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;
- (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; and
- (g) the individual has made arrangements with the appropriate tax authority to file or pay the amount owed and is in compliance with those arrangements.

The Appeal Board in ISCR Case No. 10-04641 at 4 (App. Bd. Sept. 24, 2013) explained Applicant's responsibility for proving the applicability of mitigating conditions as follows:

Once a concern arises regarding an Applicant's security clearance eligibility, there is a strong presumption against the grant or maintenance of a security clearance. See *Dorfmont v. Brown*, 913 F. 2d 1399, 1401 (9th Cir. 1990), *cert. denied*, 499 U.S. 905 (1991). After the Government presents evidence raising security concerns, the burden shifts to the applicant to rebut or mitigate those concerns. See Directive ¶ E3.1.15. The standard applicable in security clearance decisions is that articulated in *Egan, supra*. "Any doubt concerning personnel being considered for access to classified information will be resolved in favor of the national security." Directive, Enclosure 2 ¶ 2(b).

AG ¶ 20(a) does not apply to the SOR debts. “It is also well established that an applicant’s ongoing, unpaid debts demonstrate a continuing course of conduct and can be viewed as recent for purposes of the Guideline F mitigating conditions.” ISCR 22-02226 at 2 (App. Bd. Oct. 27, 2023) (citing ISCR Case No. 15-06532 at 3 (App. Bd. Feb. 16, 2017)).

Applicant has nine children, and he is paying \$1,500 monthly to support six of his children who live with his former spouse. The SOR lists eight medical debts. Divorce, underemployment, and medical debts are circumstances largely beyond his control, which adversely affected his finances. However, “[e]ven if [an applicant’s] financial difficulties initially arose, in whole or in part, due to circumstances outside his [or her] control, the [administrative judge] could still consider whether [the applicant] has since acted in a reasonable manner when dealing with those financial difficulties.” ISCR Case No. 05-11366 at 4 n.9 (App. Bd. Jan. 12, 2007). The DOHA Appeal Board has said:

[A]n applicant must act responsibly given his or her circumstances and develop a reasonable plan for repayment, accompanied by concomitant conduct even if it may only provide for the payment of debts one at a time. ISCR Case No. 07-06482 at 3 (App. Bd. May 21, 2008). What constitutes responsible behavior depends on the facts of a given case and the fact that an applicant’s debts will not be paid off for a long time, in and of itself, may be of limited security concern. ISCR Case No. 09-08462 at 4. Relevant to the equation is an assessment as to whether an applicant acted responsibly given [his or] her limited resources See, e.g., ISCR Case No. 08-06567 at 3-4 (App. Bd. Oct. 29, 2009).

ADP Case No. 23-00547 at 3 (App. Bd. Apr. 23, 2024). A component is whether he maintained contact with creditors and attempted to negotiate partial payments to keep debts current. Applicant did not describe in sufficient detail how the circumstances beyond his control affected his finances. He did not provide a detailed budget or provide documentation showing payments to 15 SOR creditors. He did not provide correspondence from or to the creditors showing he maintained contact with 15 of them. He did not prove that he acted responsibly under the circumstances.

Applicant’s SOR alleges he has 20 delinquent debts totaling about \$60,000. “[A] single debt can be sufficient to raise Guideline F security concerns.” ISCR Case No. 19-02667 at 3 (App. Bd. Nov. 3, 2021) (citing ISCR Case No. 14-05366 at 3 (App. Bd. Feb. 5, 2016)). “Additionally, a single debt that remains unpaid over a period of years can properly be characterized as a history of not meeting financial obligations.” *Id.*

Applicant is credited with mitigating the following five SOR debts: 1.d (\$4,836), 1.e (\$879), 1.o (\$170), 1.p (\$1,200), and 1.t (\$8,913). He has been making his \$1,500 monthly child-support payments out of his salary, which has been gradually reducing his child-support arrearage. His child-support payments are sufficient to mitigate SOR ¶¶ 1.d and 1.e. He disputed the debt in SOR ¶ 1.o (\$170); however, he did not provide documentation showing his basis for the dispute. This debt for \$170 is of minimal magnitude, and it is mitigated without documentation. His CBR shows the debt in SOR ¶ 1.p (\$1,200) is paid,

and he said he paid it around 2019. He paid \$800 in 2021 and settled the debt in SOR ¶ 1.t (\$8,913). Of the 20 SOR debts, the only debts with payments in the previous 12 months are his child-support debts in SOR ¶¶ 1.d and 1.e.

Applicant's tax preparer provided copies of Applicant's TYs 2023 and 2024 federal and state income tax returns to Applicant on May 10, 2025, and I have credited Applicant with filing them shortly thereafter. AG ¶ 20(g) mitigates the late filing of his tax returns.

Applicant failed to show that he timely paid in full his federal income taxes for TYs 2023 and 2024. This conduct was not alleged in the SOR. He said at his hearing that he did not have the funds to pay any additional debts, and he did not provide any documentation showing payment of his federal income taxes for TYs 2023 and 2024. This federal income tax debt will not be considered for disqualification purposes; however, it will be considered: "(a) in assessing [his] credibility; (b) in evaluating [his] evidence of extenuation, mitigation, or changed circumstances; (c) in considering whether [he] has demonstrated successful rehabilitation; and (d) in applying the whole-person concept." ISCR Case No. 20-02787 at 4 (App. Bd. Mar. 9, 2022) (citing ISCR Case No. 15-07369 at 3 (App. Bd. Aug. 16, 2017)).

The Appeal Board has previously stated that it is reasonable for a Judge to expect an applicant to present documentation corroborating actions taken to resolve debts. ISCR Case No. 19-03757 at 3 (App. Bd. Aug. 18, 2021) (citing ISCR Case No. 19-01599 at 3 (App. Bd. Jan. 15, 2020)). Applicant did not provide enough details about what he did to address his SOR debts over the previous 12 months. He did not provide documentation relating to 15 of his SOR debts showing: (1) proof of payments, such as checking account statements, photocopies of checks, or a letter from the creditor proving that he paid or made any payments to the creditors; (2) correspondence to or from the creditors to establish maintenance of contact; (3) correspondence to creditors or CBRs showing credible debt disputes indicating he did not believe he was responsible for the debts and why he held such a belief; (4) more evidence of attempts to negotiate payment plans, such as settlement offers or agreements to show that he was attempting to resolve his delinquent debts; or (5) other evidence of progress or resolution. Applicant failed to establish mitigation under AG ¶ 20(e) because he did not provide documented proof to substantiate the existence, basis, or the result of any debt disputes related to the 15 unmitigated SOR debts.

None of the mitigating conditions fully apply to the 15 unmitigated debts. "[U]ntil an applicant has a meaningful financial track record, it cannot be said as a matter of law that he has initiated a good-faith effort to repay overdue creditors or otherwise resolved debts. The phrase 'meaningful track record' necessarily includes evidence of actual debt reduction through payment on debts." ISCR 22-02226 at 2 (App. Bd. Oct. 27, 2023) (citing ISCR Case No. 05-01920 at 5 (App. Bd. Mar. 1, 2007)). There is no documentation establishing that Applicant is working to establish payment plans to address 15 of his SOR debts. I am not confident that he will establish payment plans, pay, or otherwise resolve any of the 15 unmitigated SOR debts, and maintain his financial responsibility. Financial considerations security concerns are not mitigated.

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 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), “[t]he ultimate determination” of whether to grant a security clearance “must be an overall common-sense judgment based upon careful consideration of the guidelines” and the whole-person concept. My comments under Guideline F are incorporated in my whole-person analysis. Some of the factors in AG ¶ 2(d) were addressed under that guideline but some warrant additional comment.

Applicant is 35 years old, and he has provided security services for a government contractor for three years. In 2008, he graduated from high school, and he has about one year of college. He was married in 2009 and divorced in January of 2022. His current marriage was in 2024. He has nine children. The three youngest children live with Applicant and his spouse. The other six children live with his first spouse. His current spouse started her employment outside their home three weeks before his hearing.

The evidence against grant of a security clearance is detailed in the financial considerations analysis section, *supra*, and this evidence is more substantial than the evidence of mitigation. He did not establish that he was unable to make more timely and significant progress resolving his SOR debts. The financial evidence raises unmitigated questions about his reliability, trustworthiness, and ability to protect classified information. See AG ¶ 18.

This decision should not be construed as a determination that Applicant cannot or will not attain the state of reform necessary for award of a security clearance in the future. With more effort towards documented resolution of his debts and maintenance of his financial responsibility, he may well be able to demonstrate persuasive evidence of his security clearance worthiness.

I have carefully applied the law, as set forth in *Egan*, Exec. Or. 10865, the Directive, the AGs, and the Appeal Board's jurisprudence to the facts and circumstances in the context of the whole person. Applicant failed to mitigate financial considerations security concerns.

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.c:	Against Applicant
Subparagraphs 1.d and 1.e:	For Applicant
Subparagraphs 1.f through 1.n:	Against Applicant
Subparagraphs 1.o and 1.p:	For Applicant
Subparagraphs 1.q through 1.s:	Against Applicant
Subparagraphs 1.t and 1.u:	For Applicant

Conclusion

I conclude that it is not clearly consistent with the interests of national security to grant or continue Applicant's national security eligibility for access to classified information. Eligibility for access to classified information is denied.

Mark Harvey
Administrative Judge