



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



In the matter of:)
)
) ISCR Case No. 14-05401
)
Applicant for Security Clearance)

Appearances

For Government: Braden M. Murphy, Esquire, Department Counsel
For Applicant: *Pro se*

Decision

GALES, Robert Robinson, Administrative Judge:

Applicant has failed to mitigate the security concerns regarding financial considerations and criminal conduct. Eligibility for a security clearance and access to classified information is denied.

Statement of the Case

On February 14, 2014, Applicant applied for a security clearance and submitted an Electronic Questionnaire for Investigations Processing (e-QIP) version of a Security Clearance Application.¹ On April 9, 2015, the Department of Defense (DOD) Consolidated Adjudications Facility (CAF) issued a Statement of Reasons (SOR) to him, pursuant to Executive Order 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 the *Adjudicative Guidelines for Determining Eligibility For Access to Classified Information* (December 29, 2005) (AG) applicable to all adjudications and other determinations made under the Directive, effective

¹ Item 4 (e-QIP, dated February 14, 2014).

September 1, 2006. The SOR alleged security concerns under Guidelines F (Financial Considerations) and J (Criminal Conduct), and detailed reasons why the DOD CAF was unable to make an affirmative finding under the Directive 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 when Applicant received the SOR as there is no receipt in the case file. In a notarized statement, inadvertently dated April 29, 2014,² Applicant responded to the SOR allegations 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 on June 23, 2015, 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 Guidelines applicable to his case. Applicant received the FORM on June 29, 2015. A response was due by July 29, 2015. On September 1, 2015, an attorney wrote that he is assisting Applicant in disputing, referred to as auditing and verifying, unspecified accounts listed by the credit reporting agencies. It was Applicant's position that the information in his credit reports was "inaccurate, invalid, and/or unverifiable." On September 4, 2015, Applicant responded to the FORM and submitted two documents which were accepted without objection and marked as Applicant Exhibits (AE) A and B. The case was assigned to me on October 5, 2015.

Findings of Fact

In his Answer to the SOR, Applicant admitted five of the factual allegations pertaining to financial considerations in the SOR (§§ 1.a., 1.c., and 1.e. through 1.g.), as well as the sole allegation pertaining to criminal conduct (§ 2.a.). Applicant's admissions 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 31-year-old employee of a defense contractor. He has been serving as an aircraft mechanic with his current employer since January 2013.³ A June 2003 high school graduate, Applicant enlisted in the U.S. Army in September 2003, and he remained on active duty until he was honorably discharged in March 2013.⁴ While he noted in his e-QIP⁵ and discussed an overseas assignment to Korea (June 2006 until June 2007) and a deployment to Iraq (January 2005 until December 2005) with an

² It should be noted that the affidavit-form upon which Applicant was to choose either a hearing or a decision based upon the administrative record, and list his contact information, and which the notary public was to sign, was a boilerplate preprinted form with "2014" furnished by the DOD CAF. Department Counsel confirmed the error.

³ Item 4, *supra* note 1, at 11.

⁴ Item 4, *supra* note 1, at 12-16.

⁵ Item 4, *supra* note 1, at 13-15.

investigator from the U.S. Office of Personnel Management (OPM),⁶ Applicant did not submit any military documentation regarding specific deployments he was on or any awards and decorations he might have earned. He was granted a secret security clearance in 2004.⁷ Applicant was married in June 2006 and divorced in February 2008.⁸ He has three children (born in 2009, 2011, and 2012) from other relationships.⁹

Financial Considerations

It is unclear when Applicant first experienced the financial difficulties that led to the point where his accounts were not timely addressed by him to prevent them from becoming delinquent, placed for collection, or charged off. A review of his February 2014 credit report reveals a number of accounts that became delinquent between 2010 and 2012.¹⁰ Applicant generally attributed his alleged financial problems to a variety of factors: he was unaware of any credit issues; such problems were due to his previous marriage; mistakes he made when he was younger; and his ignorance.¹¹ Applicant denied having any delinquent accounts when he completed his e-QIP in February 2014. When he was initially questioned about his delinquent accounts in March 2014, Applicant claimed to be aware of some of the accounts and unaware that other accounts were delinquent. He said that if he is responsible for any unpaid balances, he would pay the accounts in full.¹²

Following what appears to be 18 months of inaction, Applicant's stated intentions eventually changed. There is no evidence that he engaged in any negotiations with his creditors in an effort to resolve his delinquent accounts. Instead, as noted above, Applicant chose to dispute unspecified accounts with the sweeping condemnation that the information in his credit reports was "inaccurate, invalid, and/or unverifiable." He offered no documentation to indicate which accounts he was disputing or why he was disputing them. He failed to explain which accounts were caused by his previous marriage, or how that relationship resulted in delinquencies; and what mistakes he made when he was younger, and how those mistakes affected certain accounts. Applicant failed to offer specific information as to why he was unable to routinely make his monthly payments or if he simply chose not to honor certain debts.

The SOR identified nine purportedly continuing delinquent accounts, totaling approximately \$35,064, which had been placed for collection or charged off. Those

⁶ Item 6 (Personal Subject Interview, dated March 14, 2014), 1-2.

⁷ Item 4, *supra* note 1, at 27-28. Department Counsel confirmed that Applicant was granted his security clearance in 2004. See FORM, at 3.

⁸ Item 4, *supra* note 1, at 18-19.

⁹ Item 6, *supra* note 6, at 4.

¹⁰ Item 5 (Combined Experian, TransUnion, and Equifax Credit Report, dated February 27, 2014).

¹¹ Item 3 (Answer to the SOR, dated April 29, 2015), at 3.

¹² Item 6, *supra* note 6, at 5.

debts and their respective current status, according to his February 2014 credit report and a September 29, 2014 credit report,¹³ Applicant's comments to the investigator from OPM, and his Answer to the SOR, are described as follows:

SOR ¶ 1.a. – an individual installment loan with a high credit of \$7,374 (used to pay for Applicant's vacation) and a past-due balance of \$2,942 that was placed for collection and charged off in September 2013;¹⁴ SOR ¶ 1.b. – an unspecified type of bank account that was placed for collection in June 2013 with an unpaid balance of \$648;¹⁵ SOR ¶ 1.c. – an individual bank credit card account with a credit limit of \$300 that was placed for collection with an unpaid balance of \$647 and charged off and later sold to another collection agent;¹⁶ SOR ¶ 1.d. – an Internet and cable television account with an unpaid balance of \$636 that was placed for collection in October 2010;¹⁷ SOR ¶ 1.e. – a wireless telephone account with an unpaid balance of \$587 that was placed for collection in 2014;¹⁸ SOR ¶ 1.f. – an individual bank government travel credit card account with a credit limit of \$4,000 that was placed for collection with past-due balance of \$535 and charged off in May 2013;¹⁹ SOR ¶ 1.g. – an Internet, wireless telephone, and cable television account with an unpaid balance of \$222 that was placed for collection in July 2012;²⁰ SOR ¶ 1.h. – an unspecified medical account with an unpaid balance of \$33 that was placed for collection February 2013;²¹ and SOR ¶ 1.i. – an individual unsecured credit union loan (purportedly in his ex-wife's name) with a high credit of \$25,515 that was placed for collection and charged off in May 2012 in the amount of \$25,743, and then sold to another collection agent.²² None of the above-listed accounts have been resolved.

Applicant offered no evidence that he had ever received any financial counseling on such issues as debt consolidation, budgeting, or repayment plans. Furthermore, it is not known what Applicant's financial resources may be because he did not submit a personal financial statement to indicate his net monthly income, his monthly household or debt expenses, or whether or not he has any funds remaining at the end of each month for discretionary use or savings. Applicant offered no evidence to indicate that his financial problems are now under control.

¹³ Item 7 (Equifax Credit Report, dated September 29, 2014).

¹⁴ Item 5, *supra* note 10, at 5; Item 7, *supra* note 13, at 1; Item 6, *supra* note 6, at 4-5.

¹⁵ Item 5, *supra* note 10, at 11; Item 7, *supra* note 13, at 2; Item 6, *supra* note 6, at 5.

¹⁶ Item 5, *supra* note 10, at 5; Item 7, *supra* note 13, at 2.

¹⁷ Item 5, *supra* note 10, at 11; Item 7, *supra* note 13, at 2.

¹⁸ Item 7, *supra* note 13, at 2.

¹⁹ Item 5, *supra* note 10, at 5; Item 7, *supra* note 13, at 2; Item 6, *supra* note 6, at 5.

²⁰ Item 5, *supra* note 10, at 11; Item 7, *supra* note 13, at 2.

²¹ Item 5, *supra* note 10, at 11; Item 7, *supra* note 13, at 2.

²² Item 5, *supra* note 10, at 7; Item 7, *supra* note 13, at 2; Item 6, *supra* note 6, at 5.

Criminal Conduct

On January 6, 2013, while driving his motor vehicle, Applicant was stopped by the police authorities and cited for speeding, driver's license to be exhibited, and no insurance. As a result of Applicant's failure to appear in court on the appointed date, his operator's license was cancelled and he was fined \$1,061.50.²³ When he completed his e-QIP in February 2014, Applicant denied having been issued any summons, citation, or ticket to appear in court where the fine was more than \$300.²⁴ During a June 5, 2014 continuation of his OPM interview, he claimed to have no knowledge of the incident or aftermath of the incident.²⁵ On September 4, 2015, Applicant made two payments to the court in the amounts of \$104 each.²⁶ He failed to explain what caused him to change his position regarding the incident and if those payments resolved the criminal counts or if they were merely partial payments.

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."²⁷ 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."²⁸

When evaluating an applicant's suitability for a security clearance, the administrative judge must consider the AG. In addition to brief introductory explanations for each guideline, the AG 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

²³ Item 3, *supra* note 11, at 2.

²⁴ Item 4, *supra* note 1, at 25. It should be noted that the SOR does not allege that Applicant deliberately falsified his response on his e-QIP.

²⁵ Item 6, *supra* note 6, at 7. The SOR does not allege a deliberate falsification pertaining to the OPM statement.

²⁶ AE A (Receipt, dated September 4, 2015); AE B (Receipt, dated September 4, 2015).

²⁷ *Department of the Navy v. Egan*, 484 U.S. 518, 528 (1988).

²⁸ Exec. Or. 10865, *Safeguarding Classified Information within Industry* § 2 (Feb. 20, 1960), as amended and modified.

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.”²⁹ 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.³⁰

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.”³¹

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.”³² 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.

²⁹ “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).

³⁰ See ISCR Case No. 02-31154 at 5 (App. Bd. Sep. 22, 2005).

³¹ *Egan*, 484 U.S. at 531.

³² See Exec. Or. 10865 § 7.

Analysis

Guideline F, Financial Considerations

The security concern relating to the guideline for Financial Considerations is set out in AG ¶ 18:

Failure or inability 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 information. An individual who is financially overextended is at risk of having to engage in illegal acts to generate funds. . . .

The guideline notes several conditions that could raise security concerns. Under AG ¶ 19(a), an "inability or unwillingness to satisfy debts" is potentially disqualifying. Similarly, under AG ¶ 19(c), "a history of not meeting financial obligations" may raise security concerns. Applicant has had a long-standing problem with his finances which started as early as 2010. It is unclear if he found himself with insufficient funds to continue making his routine monthly payments or simply chose not to do so. Various accounts became delinquent, and were placed for collection, and charged off. AG ¶¶ 19(a) and 19(c) apply.

The guideline also includes examples of conditions that could mitigate security concerns arising from financial difficulties. Under AG ¶ 20(a), the disqualifying condition may be mitigated where "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." Also, under AG ¶ 20(b), financial security concerns may be mitigated where "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, or a death, divorce or separation), and the individual acted responsibly under the circumstances." Evidence that "the person has received or is receiving counseling for the problem and/or there are clear indications that the problem is being resolved or is under control" is potentially mitigating under AG ¶ 20(c). Similarly, AG ¶ 20(d) applies where the evidence shows "the individual initiated a good-faith effort to repay overdue creditors or otherwise resolve debts."³³ In addition, AG ¶ 20(e) may apply if "the individual has a reasonable

³³ 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 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].

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(a), 20(c), 20(d), and 20(e) do not apply. AG ¶ 20(b) minimally applies. The nature, frequency, and recency of Applicant’s continuing financial difficulties since about 2010 make it difficult to conclude that it occurred “so long ago” or “was so infrequent.” Applicant attributed his financial problems to a variety of reasons, but without any explanation as to the specifics, it is difficult to assess the significance they had on his overall financial situation. He offered no documentary evidence of a good-faith effort to resolve any of his delinquent debts. He essentially ignored them and claimed he was unaware of them or their status. As noted above, after the passage of substantial time, he seemingly continues to do so. Instead of engaging the creditors in an effort to resolve the delinquencies, Applicant has chosen to simply dispute his accounts.

There is no evidence to indicate that Applicant ever received financial counseling. It is not known what Applicant’s financial resources may be, or if he has any funds remaining at the end of each month for discretionary use or savings. There is no evidence to reflect that Applicant’s financial problems are under control. Applicant has not acted responsibly by failing to address his delinquent accounts and by making little, if any, efforts of working with his creditors.³⁴ Applicant’s actions under the circumstances confronting him cast doubt on his current reliability, trustworthiness, and good judgment.³⁵

Guideline J, Criminal Conduct

The security concern relating to the guideline for Criminal Conduct is set out in AG ¶ 30:

Criminal activity creates doubt about a person's judgment, reliability, and trustworthiness. By its very nature, it calls into question a person's ability or willingness to comply with laws, rules and regulations.

The guideline notes several conditions that could raise security concerns. Under AG ¶ 31(a), “a single serious crime or multiple lesser offenses” is potentially

(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)).

³⁴ “Even if Applicant’s financial difficulties initially arose, in whole or in part, due to circumstances outside his [or her] control, the Judge could still consider whether 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) (citing ISCR Case No. 99-0462 at 4 (App. Bd. May 25, 2000); ISCR Case No. 99-0012 at 4 (App. Bd. Dec. 1, 1999); ISCR Case No. 03-13096 at 4 (App. Bd. Nov. 29, 2005)). A component is whether he or she maintained contact with creditors and attempted to negotiate partial payments to keep debts current.

³⁵ See ISCR Case No. 09-08533 at 3-4 (App. Bd. Oct. 6, 2010).

disqualifying. Similarly, under AG ¶ 31(c), if there is an “allegation of criminal conduct, regardless of whether the person was formally charged, formally prosecuted or convicted,” security concerns may be raised. Applicant’s initial criminal conduct consists of three violations (speeding, driver’s license to be exhibited, and no insurance) arising out of one incident for which he was cited in January 2013. The second criminal conduct consists of his failure to appear in court and his failure to timely pay fines totaling \$1,061.50. AG ¶¶ 31(a) and 31(c) have been established.

The guidelines also include examples of conditions that could mitigate security concerns arising from criminal conduct. Under AG ¶ 32(a), the disqualifying condition may be mitigated where “so much time has elapsed since the criminal behavior happened, or it happened under such unusual circumstances that it is unlikely to recur and does not cast doubt on the individual’s reliability, trustworthiness, or good judgment.” Also, AG ¶ 32(d) may apply when “there is evidence of successful rehabilitation; including but not limited to the passage of time without recurrence of criminal activity, remorse or restitution, job training or higher education, good employment record, or constructive community involvement.”

AG ¶¶ 32(a) and 32(d) do not apply. The 2013 initial criminal incident and the subsequent failure to appear in court or timely pay the assessed fine occurred nearly three years ago. Applicant denied the incident both in the e-QIP and during the OPM interview. He essentially ignored the law and the court, first by taking the actions that resulted in the citation, and then by ignoring the order to appear in court to answer the charges. Finally, three months before the expiration of the third year of inaction, Applicant made two payments to the court. However, as noted above, he failed to explain if those payments resolved the criminal counts or if they were merely partial payments.

Applicant failed to address the criminal conduct issue by not explaining how or why the incident occurred, or if it happened under such unusual circumstances that it is unlikely to recur. His continued silence also ignores any potential evidence of successful rehabilitation such as stated remorse or restitution, job training or higher education, good employment record, or constructive community involvement. In the absence of such evidence, while I believe that a person should not be held forever accountable for misconduct from the past, I am unable to conclude that Applicant’s criminal conduct is unlikely to recur, and that it does not cast doubt on his reliability, trustworthiness, or good judgment.

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(a):

- (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. 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.³⁶

There is some evidence in favor of mitigating Applicant's conduct. He has been with the same employer since February 2012. He served honorably in the U.S. Army from September 2003 until March 2013.

Applicant's long-standing failure to address or repay his creditors since 2010, even in the smallest amounts, or to arrange payment plans, reflects traits which raise concerns about his fitness to hold a security clearance. His history is one of denial of any of the facts pertaining to his financial issues and his criminal conduct. He ignored his creditors for several years, and only now is he disputing his delinquent accounts without offering explanations for his inaction or follow-up dispute actions. Likewise, he denied and ignored his criminal conduct, and only recently appears to have addressed them. Applicant's actions under the circumstances cast doubt on his current reliability, trustworthiness, and good judgment. Considering the absence of confirmed debt resolution and elimination efforts, Applicant's financial issues are likely to remain.

The Appeal Board has addressed a key element in the whole-person analysis in financial cases stating:³⁷

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,

³⁶ 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).

³⁷ ISCR Case No. 07-06482 at 2-3 (App. Bd. May 21, 2008) (internal citations omitted).

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 essentially negative track record of debt reduction and elimination efforts, generally ignoring his delinquent debts and eventually disputing them without specific reasons. Overall, the evidence leaves me with 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 AG ¶ 2(a)(1) through AG ¶ 2(a)(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 – 1.i:	Against Applicant
Paragraph 2, Guideline J:	AGAINST APPLICANT
Subparagraph 2.a:	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