

DATE: November 27, 2007

In re:)
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 -----) ISCR Case No. 06-25429
 SSN: -----)
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 Applicant for Security Clearance)
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**DECISION OF ADMINISTRATIVE JUDGE
MARC E. CURRY**

APPEARANCES

FOR GOVERNMENT

Julie R. Edmunds, Esq., Department Counsel

FOR APPLICANT

Pro Se

SYNOPSIS

_____ Applicant's accrual of \$9,500 in delinquent debt, and his failure to make a good-faith effort to satisfy or otherwise resolve them create a financial considerations security concern which he failed to mitigate. Clearance is denied.

STATEMENT OF THE CASE

On July 12, 2007, the Defense Office of Hearings and Appeals (DOHA) issued Applicant a Statement of Reasons (SOR) explaining why it was not clearly consistent with the national interest to grant or continue a security clearance. This action was taken under Executive Order 10865, dated February 20, 1960, as amended, and DoD Directive 5220.6, dated January 2, 1992, as amended. He

answered the SOR on August 6, 2007, admitting all of the allegations except subparagraphs 1.q through 1.s, and elected to have the case decided on the written record.

On August 30, 2007, the government submitted a File of Relevant Materials (FORM) which Applicant received on September 10, 2007. Applicant neither objected to any of the FORM submissions, nor submitted any supplementary documents. The case was assigned to me on November 2, 2007.

RULING ON EVIDENCE

Department counsel's motion to strike SOR subparagraph 1.s and SOR Paragraph 2 is granted.

FINDINGS OF FACT

Applicant is a 32-year-old married man with two stepchildren ages six and nine. His first marriage ended in divorce in 2001. He is a paramedic and a firefighter. He earned a paramedic certificate in 2002.

Between approximately 2001 and 2007, Applicant accrued 18 delinquent debts in the approximate amount of \$9,500. Fourteen are medical bills (SOR subparagraphs 1.a through 1.n), one is a deficiency owed on a repossessed car (SOR subparagraph 1.o), and three are delinquent credit card accounts (SOR subparagraphs 1.p through 1.r). Applicant's ex-wife, who was covered under his health insurance when they were married, accrued the medical bills.¹ The remainder were joint debts he "was stuck with"² after the divorce was finalized.

Applicant satisfied subparagraph 1.q.³ There is no record evidence documenting when he satisfied it. His contention that he satisfied subparagraph 1.r is unsupported by any documentary evidence. He asserts that he has not been able to satisfy any other delinquencies because of "lack of money."⁴

Applicant contacted the creditor listed in SOR subparagraph 1.p and proposed a payment plan. The creditor rejected it. As of March 2007, he was considering filing for bankruptcy protection. To date, he has not filed it.

POLICIES

¹Item 3.

²*Id.*

³Item 5 at 2.

⁴Item 6 at 3.

The adjudicative guidelines, as revised December 29, 2005, and implemented September 1, 2006, apply to the analysis of this case. In addition to brief introductory explanations for each guideline, they are divided into those that may be considered in deciding whether to deny or revoke an individual's eligibility for access to classified information (disqualifying conditions) and those that may be considered in deciding whether to grant an individual's eligibility for access to classified information (mitigating conditions).

Because the entire process is a scrutiny of a number of variables known as the "whole person concept," all available, reliable information about the person, past and present, favorable and unfavorable, should be considered in making a meaningful decision. Specifically these are: (1) the nature 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 age of the applicant; (5) the extent to which the 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.

Since the protection of national security is the paramount consideration, the final decision in each case must be reached by applying the standard that the issuance of the clearance is "clearly consistent with the national interest."⁵ In reaching this decision, I have drawn only those conclusions that are based on the evidence contained in the record.

The Government is responsible for presenting evidence to establish facts in the SOR that have been controverted. The applicant is responsible for presenting evidence to rebut, explain, extenuate, or mitigate facts admitted by the applicant or proven by the Government, and has the ultimate burden of persuasion as to obtaining a favorable security decision.

CONCLUSIONS

Financial Considerations

"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."⁶

⁵See generally, Directive, Sec. 2.3, Sec. 2.5.3, Sec. 3.2, and Sec. 4.2.

⁶Adjudicative Guideline Paragraph 18.

Applicant's history of financial problems triggers the application of Financial Considerations Disqualifying Conditions (FC DC) 19(a),⁷ FC DC 19(c),⁸ and FC DC 19(e).⁹ I have considered all of the mitigating conditions and conclude none apply. All but one of the SOR delinquencies are still outstanding, he provided no evidence that he has attended any financial counseling, and he has yet to fulfill his promise to resolve the delinquencies through bankruptcy. He provided no documentary proof to support his dispute of SOR subparagraph 1.r. Although Financial Condition Mitigating Condition 20(b)¹⁰ is potentially applicable because of the relationship of his delinquencies to his 2001 divorce, his failure to responsibly address them by satisfying or otherwise disposing of them renders it inapplicable. Applicant has not mitigated the financial considerations security concern.

Whole Person Concept

Applicant accrued approximately \$9,500 of delinquent debt between 2001 and 2007. Because his ex-wife accrued much of it, its nature, extent, and seriousness are mitigated somewhat. Applicant, however, has taken no significant steps to address them. Absent any evidence of rehabilitation, the likelihood that his financial difficulties will continue remains unacceptably high. Evaluating this case in the context of the whole person concept, I conclude he remains a security concern.

FORMAL FINDINGS

Paragraph 1 – Guideline F:	AGAINST APPLICANT
Subparagraphs 1.a -1.r:	Against Applicant
Subparagraph 1.s:	WITHDRAWN
Paragraph 2 - Guideline E:	WITHDRAWN

DECISION

⁷Inability or unwillingness to satisfy debts

⁸A history of not meeting financial obligations.

⁹Consistent spending beyond one's means, which may be indicated by excessive indebtedness, significant negative cash flow, high debt-to-income ratio, and/or other financial analysis.

¹⁰The 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.

In light of all the circumstances presented by the record in this case, it is not clearly consistent with the national interest to grant or continue a security clearance for Applicant. Clearance is denied.

Marc E. Curry
Administrative Judge