

*The original of this document contains information which is subject to withholding from disclosure under 5 U.S. C. § 552. Such material has been deleted from this copy and replaced with XXXXXX's.

**United States Department of Energy
Office of Hearings and Appeals**

In the Matter of: Personnel Security Hearing)	
)	
Filing Date: March 10, 2020)	Case No.: PSH-20-0052
)	
_____)	

Issued: January 4, 2021

Administrative Judge Decision

Kimberly Jenkins-Chapman, Administrative Judge:

This Decision concerns the eligibility of XXXXXX (hereinafter referred to as “the Individual”) for access authorization under the Department of Energy’s (DOE) regulations set forth at 10 C.F.R. Part 710, entitled, “Procedures for Determining Eligibility for Access to Classified Matter or Special Nuclear Material.”¹ For the reasons set forth below, I conclude that the Individual’s security clearance should not be granted.

I. BACKGROUND

A DOE contractor employs the Individual in a position that requires him to hold a security clearance. On March 22, 2019, the Individual completed a Questionnaire for National Security Positions (QNSP). Ex. 6. The Individual disclosed on the QNSP that he had not filed his state or Federal taxes for a number of years. Ex. 6 at 33–35. Subsequently, the Local Security Office (LSO) asked him to complete a Letter of Interrogatory (LOI) regarding his failure to file tax returns. Ex. 4. The Individual’s response to the LOI did not resolve the security concerns, and the LSO informed the Individual, in a letter dated February 14, 2020 (Notification Letter), that it possessed reliable information that created substantial doubt regarding the Individual’s eligibility to hold a security clearance. In an attachment to the letter (Summary of Security Concerns), the LSO explained that the derogatory information raised security concerns under Guideline F (Financial Considerations) of the Adjudicative Guidelines. Ex. 1.

The Individual exercised his right to request an administrative review hearing pursuant to 10 C.F.R. Part 710. Ex. 2. The Director of the Office of Hearings and Appeals (OHA) appointed me

¹ Under the regulations, “Access authorization” means an administrative determination that an individual is eligible for access to classified matter or is eligible for access to, or control over, special nuclear material.” 10 C.F.R. § 710.5(a). Such authorization will also be referred to in this Decision as a security clearance.

as the Administrative Judge in this matter, and I subsequently conducted an administrative review hearing. The LSO submitted seven numbered exhibits (Ex. 1–7) into the record. The Individual submitted nine exhibits (Ex. A–I). The Individual presented the testimony of three witnesses, including his own testimony.

II. THE NOTIFICATION LETTER AND THE ASSOCIATED SECURITY CONCERNS

As previously mentioned, the Notification Letter included a statement of derogatory information that raised concerns about the Individual’s eligibility for access authorization. The information in the letter specifically cited Guideline F of the Adjudicative Guidelines. Guideline F addresses one’s “[f]ailure to live within one’s means, satisfy debts, and meet financial obligations.” Guideline F at ¶ 18. It is well established that 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. *Id.* Among the conditions set forth in this guideline that could raise a disqualifying security concern are the inability to satisfy debts and an unwillingness to satisfy debts, regardless of the ability to do so. Guideline F at ¶ 19(a), (b). Additionally, the failure to file Federal or state income tax returns, or the failure to pay Federal or state income tax returns, may also serve as disqualifying conditions. *Id.* at ¶ 19(f).

The Summary of Security Concerns (SSC) listed as relevant facts: the Individual has not filed his Federal or state income tax returns for tax years 2013 to 2018; the Individual has an unpaid charge-off account in the amount of \$5263; and the Individual has additional unpaid collection accounts totaling \$11,876 for debts owed to four separate creditors and five medical collections. Ex. 1. The Individual’s inability or unwillingness to satisfy debts, history of not meeting financial obligations, and failure to file state and Federal taxes justify the LSO’s invocations of Guideline F in the Notification Letter. Adjudicative Guidelines at ¶ 19(a)–(c), (f).

III. REGULATORY STANDARDS

A DOE administrative review proceeding under Part 710 requires me, as the Administrative Judge, to issue a Decision that reflects my comprehensive, common-sense judgment, made after consideration of all of the relevant evidence, favorable and unfavorable, as to whether the granting or continuation of a person’s access authorization will not endanger the common defense and security and is clearly consistent with the national interest. 10 C.F.R. § 710.7(a). The regulatory standard implies that there is a presumption against granting or restoring a security clearance. *See Department of Navy v. Egan*, 484 U.S. 518, 531 (1988) (“clearly consistent with the national interest” standard for granting security clearances indicates “that security determinations should err, if they must, on the side of denials”); *Dorfmont v. Brown*, 913 F.2d 1399, 1403 (9th Cir. 1990), cert. denied, 499 U.S. 905 (1991) (strong presumption against the issuance of a security clearance).

The individual must come forward at the hearing with evidence to convince the DOE that granting or restoring access authorization “will not endanger the common defense and security and will be clearly consistent with the national interest.” 10 C.F.R. § 710.27(d). The individual is afforded a full opportunity to present evidence supporting his eligibility for an access authorization. The Part 710 regulations are drafted so as to permit the introduction of a very broad range of evidence at

personnel security hearings. Even appropriate hearsay evidence may be admitted. 10 C.F.R. § 710.26(h). Hence, an individual is afforded the utmost latitude in the presentation of evidence to mitigate the security concerns at issue.

IV. FINDINGS OF FACT

The Individual signed and submitted a QNSP to the LSO on March 22, 2019, and disclosed on the QNSP that he had failed to file Federal and state income taxes for tax years 2013-2017.² Ex. 6 at 33–35, 40. He asserted in the QNSP that he will file his Federal and state taxes for 2013-2017 in the current year because his current employment with a DOE contractor will allow him the financial means to file and pay his taxes. *Id.*

As part of its background investigation of the Individual, the Office of Personnel Management (OPM) obtained a credit report dated April 3, 2019, which identified several delinquent accounts. Ex. 5. The credit report reflected the Individual had one charge-off account with a credit union for an outstanding balance of \$5,263. *Id.* at 5. The credit report also identified that the Individual had five unpaid collection accounts. The first collection account with Creditor A had an outstanding balance of \$1,452, and the second collection account with Creditor B had an outstanding balance of \$579. *Id.* at 2–3. The third collection account with Creditor C had an outstanding balance of \$7,341, and the fourth collection account with Creditor D had an outstanding balance of \$688. *Id.* at 3, 5. The credit report also indicated that the Individual had five outstanding medical collection accounts (\$37, \$468, \$569, \$71, and \$671) for a total of \$1,816. *Id.* at 3–4.

The LSO issued a letter of interrogatory (LOI) to the Individual to provide him with an opportunity to clarify his financial situation. Ex. 4. In his response to the LOI dated December 11, 2019, the Individual admitted that he had not yet filed his Federal and state taxes for tax years 2013, 2014, 2015, 2016, 2017, and 2018. *Id.* at 1–6. He stated that he planned to file his taxes after he received his security clearance and had job security. *Id.* He admitted that he had not taken action regarding the five medical collection accounts for which he owed a total of \$1816; however, he stated he will make payment arrangements for these accounts. *Id.* at 8. Regarding the charge-off account, he stated he believed that the account is closed but indicated he would make restitution if there is an amount owed. *Id.* at 7. As for the four unpaid collection accounts, he stated he was not aware of these debts and had not taken any action on these accounts. but indicated he would contact the creditors and planned to pay off any valid debts. *Id.* at 7–9.

Prior to the hearing the Individual submitted a copy of his Federal and state tax returns for tax years 2013-2019 that were prepared by his tax preparer who is a certified public accountant (CPA). Ex. A at Attachments 1, 4–7, 9, 11. The Individual submitted proof of filing by mail for his 2013-2017 Federal tax returns and his 2013-2017 state tax returns. Ex. A at Attachment 2–3. For 2018, he submitted an electronic filing (e-file) acceptance letter verifying that the Internal Revenue Service (IRS) accepted his 2018 Federal tax return, and that his state taxation and revenue department (hereinafter “State A”) had accepted his 2018 state tax return. Ex. A at Attachment 8. For 2019, the Individual submitted an e-file acceptance letter verifying that the IRS had accepted

² The Individual later admitted in his response to the Letter of Interrogatory dated December 11, 2019, that he had not yet filed his Federal and state taxes for 2018. Ex. 4 at 6.

his 2019 Federal tax return, and that State A had accepted his 2019 state tax return. Ex. A at Attachment 10.

The Individual also submitted written statements that he had prepared concerning his outstanding delinquent debts. He indicated he had contacted the credit union on November 13, 2020, concerning his charge-off account, and that a special accounts division will contact him with payment arrangements. Ex. B. He stated he had contacted Creditor A on November 13, 2020, and they agreed to a 65 percent settlement, and will send him documentation for payoff arrangements. Ex. F. The Individual also submitted a statement asserting that he had contacted Creditor B on November 13, 2020, and was informed that he has a zero balance and that Creditor B will send him a letter indicating the account has been paid in full. Ex. E. However, as of November 24, 2020, he has not received the letter. *Id.* He also submitted a statement indicating that he contacted Creditor C on November 13, 2020, but was told that they will only accept full payment as opposed to installment payments, and he cannot afford to make a full payment on this account. Ex. D. The Individual further asserted that, on November 13, 2020, he had contacted Creditor D who informed him that they no longer have his account. Ex. C. He contacted the original creditor who told him that the account no longer exists, and he is attempting to obtain documentation to verify this information. *Id.* Regarding his medical collection accounts, he stated he contacted three different creditors on November 13, 2020, and November 24, 2020. Ex. G. He indicated that he is working on making payment arrangements with two of the creditors, and he plans to pay off the outstanding debt for the third creditor. *Id.*

The Individual also submitted a notarized letter from his oldest daughter attesting that the Individual has provided financial support to her during the time she has been living on her own. Ex. H. His daughter stated she is a single parent and her father has financially assisted her with rent, utilities, car expenses, and expenses for her children. *Id.* She also stated that, because she is currently unemployed, the Individual helps her pay her rent and utilities of \$680 per month, and he previously paid approximately \$800 to cover the cost of her car repairs. *Id.*

V. HEARING TESTIMONY

The Individual's CPA testified that the Individual first contacted him in February or March 2020 to request assistance with filing his taxes, and the CPA prepared and filed the Individual's Federal and state taxes for 2013 through 2019. Tr. at 12, 24, 26. The CPA submitted a request to the IRS for a payment agreement concerning the Individual's outstanding tax balance. *Id.* at 13. The CPA testified that the IRS sent the Individual a letter dated October 29, 2020, stating it accepted his proposal for a monthly payment agreement for his 2014, 2015, and 2016 taxes, and that the monthly payment will be \$410 which will be deducted from the Individual's checking account on the 15th of every month. *Id.* at 14, 17.

Although the letter from the IRS listed all of the outstanding tax years, it did not include the other years in this installment agreement. *Id.* at 14. At the hearing, the CPA provided a copy of the IRS installment agreement which was submitted into the record. Ex. I. The CPA explained that the IRS is currently operating more slowly than usual, and it processes mailed tax returns particularly slowly, but he anticipates that the Individual's outstanding taxes owed for 2013, 2017, 2018, and 2019 will be added to the installment agreement. Tr. at 16-17, 19-20, 24-25. The CPA also

testified that the Individual owes \$2,377 for tax year 2013, and that once all of the outstanding tax balances from the remaining tax years are added into the installment agreement, he estimates that the Individual's monthly tax installment of \$410 will increase to double that amount. *Id.* at 15, 23, 25.

The CPA also testified that the Individual told him "his finances are still extremely tight ... and [asked] would there be any way to reduce [the anticipated increase]" that will occur when his debt from the remaining tax years is added to his installment agreement. *Id.* at 25. The CPA explained that they would need to wait until they received the modified installment agreement before they can submit a request for additional consideration, however, he indicated that, based upon his experience, it is difficult to obtain IRS approval for this type of request. *Id.* at 26.

The CPA further testified that the Individual's outstanding balances on his Federal taxes and his state taxes will continue to accrue interest until they are paid. *Tr.* at 16. He stated that he filed the Individual's state tax returns, but he did not assist the Individual in making payment arrangements for his state taxes. *Id.* at 26. He indicated that, although he and the Individual have not discussed making an installment plan for his state taxes, he would be willing to assist the Individual with that. *Id.* at 27.

The Individual's oldest daughter testified that the Individual has provided her with financial assistance for the last ten years with "anything [she] need[s], be it rent or utilities," and she stated he has purchased multiple cars for her, and paid for car repairs. *Id.* at 95. She explained that she has been living on her own since approximately 2011, however, even when she was still living with the Individual before 2011, he was helping her financially. *Id.* at 97. She asserted that, because she is a single parent, she normally works part-time and is unable to pay her own bills, so the Individual assists her financially. *Id.* at 95. Since COVID-19 began, he has helped her pay her rent almost every month. *Id.* at 97. She also stated that the Individual has helped pay her younger sister's rent, utilities, and car repairs, and he previously purchased two cars for her, too. *Id.* at 98.

The daughter testified that she is "100 percent" certain that the Individual is very honest and truthful. *Id.* at 96. She stated that he is also very reliable and is there for her whenever she needs him. *Id.* She testified that the Individual has discussed with her that his priority is to pay his creditors, so she needs to find a steady income for herself and her children. *Id.* at 95, 98. The daughter asserted that the Individual lives a frugal lifestyle and spends his financial resources to help her and her sister before he helps himself. *Id.*

The Individual estimated that he owes approximately \$28,854 in Federal taxes. *Tr.* at 31.³ He stated that, although he submitted his checking account information to the IRS in June or July for the installment agreement, the IRS has not yet deducted the first installment payment of \$410. *Id.* at 32. He testified that, once the outstanding tax returns are added to his installment agreement, he will be able to pay the increased monthly payment of approximately \$930. *Id.* As for the state

³ Per the Installment Agreement Request form prepared by the Individual's CPA, the Individual owes a total of \$29,515 in Federal taxes from 2013-2019. Exhibit A-Attachment 11 at 5.

taxes he owes, he indicated that he planned to arrange for a monthly payment agreement. *Id.* at 34.⁴

Regarding his outstanding delinquent accounts, the Individual testified that the \$5,263 charge off account was for a loan he obtained to purchase a car for his youngest daughter. *Tr.* at 35. When he could no longer afford to make the car payments, he surrendered the car to the bank, but he still owes an outstanding balance. *Tr.* at 35–36. He testified that the \$1,452 debt he owes to Creditor A is for phone service for his and his daughters' phones. *Id.* at 42–43. He stated that Creditor A told him they agreed to a monthly payment amount of \$117, and he contacted them again within the two and a half weeks prior to the hearing, but he still had not received documentation of the installment agreement. *Id.* at 43, 60–61. He stated that he has paid off the debt of \$579 to Creditor B, which he believes was for a cable bill, and that when he contacted Creditor B, he requested documentation of his zero balance, but has not yet received any documents. *Id.* at 41. He testified that his debt to Creditor C for \$7341 is for a lease that he and his previous girlfriend had co-signed on an apartment. *Id.* at 39; *see Ex. 5* at 3. When their relationship ended, she filed a restraining order against him so he could not return to the apartment, and he subsequently stopped paying the rent. *Id.* He testified that he contacted Creditor C, but was informed that Creditor C could only accept payment for the entire balance. Consequently, Creditor C denied his request for an installment payment agreement. *Id.* at 39. Although he was a co-signer on the lease, he stated that he alone will deal directly with the creditor. *Id.* at 62. Regarding the \$688 balance he owes to Creditor D, which is a cable company, he stated that the debt is for equipment that he did not return. *Id.* at 36–37. He testified that he contacted the collection agency on November 12, 2020, but they told him they no longer had the account, and he contacted the original creditor who also has no record of his account, so he is not sure whether it is a charge-off or if he still owes an outstanding balance. *Id.* at 37.

Regarding his medical collection accounts, the Individual testified that, on November 13, 2020, he contacted three collection agencies and was told he owed debts to each of the three creditors for \$1854.25; \$504.89; and \$108, respectively. *Id.* at 44. He asserted that he has already made payment agreements with all three medical creditors. *Id.* at 46. The Individual asserted that he waited approximately 11 months after his December 2019 response to the LOI to begin contacting all of his creditors because he had been off work on Family and Medical Leave Act (FMLA) leave until March 2020, so his income had been decreased by 70 percent. *Tr.* at 46–47. He also stated he did not want to make payment arrangements with his creditors when he was financially unable to make payments. *Id.* at 47.

The Individual testified that his financial difficulties started after his wife died of cancer 22 years ago, leaving him unemployed and having to raise two daughters as a single parent without financial assistance. *Tr.* at 69–47. He asserted that his financial difficulties continued because, since 2013, he has been making a low salary while attempting to provide for his basic needs and the needs of his daughters, which left him without sufficient funds to pay his debts. *Id.* at 84. Although his oldest daughter is 28 years old, and his other daughter is 22 years old, he continues to provide them a total of approximately \$1000 per month. *Id.* at 54. As examples of his financial assistance to his

⁴ Based on a copy of his state tax returns from 2013-2018, the Individual owes a total of \$6897 in state taxes. *Ex. A-Attachment 1* at 12; *Ex. A-Attachment 4* at 21; *Ex. A-Attachment 5* at 14; *Ex. A-Attachment 6* at 15; *Ex. A-Attachment 7* at 17; *Ex. A-Attachment 9* at 16.

daughters, he stated he has provided his oldest daughter with funds for food and rent almost every month for the last ten years since she moved out on her own, and he helps pay for his granddaughters' expenses "all the time." *Id.* The Individual further testified that he previously bought three cars for each of his daughters, paid \$800 in car repairs for his daughter's van approximately two months ago, and gave his youngest daughter \$600 in October 2020. *Id.* at 55–56, 88. He also described himself an "enabler" and admitted that he is still currently paying for his daughters' phone bills. *Id.* at 55, 65. He admitted that he could have paid all his debts in full in the last ten years with the amount of funds he has provided to his daughters. *Id.* at 89.

At the hearing, the Individual gave assurances that he can afford to make all his monthly installment payments to his creditors because his current income is sufficient to pay his bills. *Id.* at 67, 74–76. He testified that he needs his security clearance in order to keep his job and meet his monthly payment obligations. *Id.* at 68. However, he testified that, although he has been employed at his current job for over one and a half years, he has not set aside any funds to pay his outstanding debts because he only has approximately \$200 left each month after paying for all of his and his daughters' expenses. *Id.* at 70–71. He also stated that he does not know the exact total of his monthly payments because he is still working those details out with the creditors. *Id.* at 77. He further admitted that he does not know the maximum amount of total monthly payments that he can afford to make. *Id.* He asserted that he will have sufficient funds to pay his monthly payments because he has already discussed with his daughters that he will not be available to help them with as much funding, however, he also stated that they are still asking him for ongoing financial assistance. *Id.* at 56. The Individual asserted that he bought a three bedroom house based on the belief that his daughters and granddaughters might live with him in the future, which would serve as a way to save money by no longer paying rent on separate apartments for his daughters. *Tr.* at 53. He testified that he spoke with a for-profit debt counseling service, but they told him he needed to pay them a \$300-\$400 fee so the Individual decided that the best plan is for him not to seek credit counseling assistance, but to instead contact the creditors directly, which he asserted that he has already done. *Id.* at 51–52, 79.

VI. ANALYSIS

A. Guideline F

As discussed above, failure to satisfy debts and meet financial obligations can raise security concerns about an individual's trustworthiness, reliability, and ability to protect classified or sensitive information. Guideline F at ¶ 18. An individual may mitigate security concerns under Guideline F if 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; the conditions that resulted in the financial problem were largely beyond the person's control, and the individual acted responsibly under the circumstances; the individual has received or is receiving financial counseling; the individual initiated and is adhering to a good-faith effort to repay overdue creditors or otherwise resolve debts; 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; unexplained affluence resulted from a legal source of income; or the individual has made arrangements with the appropriate tax authority to

file or pay the amount owed and is in compliance with those arrangements. Guideline F at ¶ 20(a)–(g). Four of the above mitigating factors may be applicable in the instant case.⁵

Here, the Individual has begun to take steps to mitigate the security concerns related to his financial situation. He has filed all overdue tax returns, and has contacted his creditors and has initiated discussions with them to make payment agreements. He has also had discussions with his adult daughters, whom he has financially supported as a single father since they were children, and informed them that his priority is to pay all his creditors. Thus, he can no longer provide them with the same amount of financial support as in the past. Moreover, he continues to live a frugal lifestyle. While I recognize all of the positive actions taken by the Individual to improve his financial situation, he is still early in the process of reformation such that, at this time, I cannot find that he has sufficiently resolved the Guideline F security concerns.

Although the Individual has filed all of his overdue tax returns, he did not take significant action to resolve the situation until March 2020, despite the fact that he knew since March 2019, when he submitted his QNSP, that he had not filed Federal or state tax returns for 2013-2017. Moreover, as of the date of the hearing, the Individual had not made any payment arrangements with the state tax authority concerning his outstanding state taxes and had yet to make any payments to the IRS or state tax authority toward his approximately \$36,412 overdue tax bills. As such, the Individual has not satisfied the mitigating conditions described in Guideline F ¶ 20(g).

Moreover, I am not convinced that the financial issues giving rise to the security concerns will not recur. The Individual asserts that his financial problems began 22 years ago when his wife passed away and he was left to raise his two daughters as a single parent with no outside resources. He further asserted that his financial difficulties continued from 2013 until 2019, when he began his current job, because his previous income was insufficient to pay for his daughters' expenses while simultaneously making payments to his creditors. While the death of his spouse is an event beyond the Individual's control, he has not provided sufficient evidence to demonstrate that he has acted responsibly under the circumstances. For example, although his oldest daughter is now 28 years old and his other daughter is 22 years old, he continues to provide them approximately \$1000 every month instead of initiating payments to his creditors. He also stated that he has provided his oldest daughter with funds for food and rent almost every month for the last ten years since she moved out on her own; he helps pay for his granddaughters' needs; he has purchased several cars for each of his daughters; he recently paid \$800 for car repairs for one daughter; and he gave another daughter \$600 in October. He also admitted that he still pays for his daughter's current phone bills, despite the fact that one of his delinquent debts is for \$1,452 of his daughter's prior unpaid phone bills.

⁵ Paragraph 20(c) applies if an individual has received or is receiving financial counseling for the problem from a legitimate and credible source. However, since the Individual did not receive financial counseling, this section does not apply. Tr. at 51–52, 79. Paragraph 20 (e) applies if an individual has a reasonable basis to dispute the legitimacy of the past due debt and provides documented proof to substantiate the basis of the dispute or provides evidence of actions to resolve the issue. While the Individual asserted that he paid off one of his outstanding debts, he did not dispute the legitimacy of the debt, nor did he provide evidence to resolve the issue. Thus, Paragraph 20 (e) does not apply. Finally, because the security concerns in this case revolve around outstanding unpaid debt, and there are no allegations involving a source of the Individual's affluence, Paragraph 20(f) does not apply in the present case.

The Individual admitted that he could have paid off all of his debts in the last ten years with the amount of funds he has provided to his daughters. He has indicated that he has an emotional obligation to always provide for his daughters and his granddaughters, and it is evident that their well-being is of paramount importance to him. However, while this goal is noble, it does not justify his lack of sufficient efforts to resolve his debts. Moreover, the fact that he chose instead to pay for the expenses of his adult daughters instead of paying off at least some of his creditors, demonstrates poor judgment, albeit unintentional. Therefore, I find that the Individual has not satisfied the mitigating conditions described in Guideline F ¶ 20(a) or (b).

Furthermore, the Individual has not provided sufficient evidence at this time to convince me that he has initiated and is adhering to a good-faith effort to repay overdue creditors. First, his exhibits and testimony reflect that he only began contacting his creditors in November 2020. Although he asserted that he did not address the debt earlier because his income was temporarily reduced by 80 percent when he was on medical leave, the fact remains that he waited approximately 11 months after his December 2019 response to LOI to begin addressing his debt. In addition, apart from one delinquent debt which he asserted that he has paid off, he has yet to make a single payment for any of the debts listed in the Summary of Security Concerns⁶.

Although the Individual asserted that he already has payment agreements with a few of his creditors, he has not provided any written payment agreements from his creditors in support of his assertions. He also admitted that he does not know the exact amount of his total monthly payments because he is still working out those details with his creditors. Moreover, he did not provide a budget and was unable to provide assurances that he will be able to address the unknown debt. He admitted that he does not know the maximum amount of total monthly payments that he can afford to make, yet he asserted that his current job provides him with sufficient income to pay whatever monthly payments he will be required to make to resolve his debts. However, he also testified that, even with the increased salary of his current job, he has not been able to set aside any funds to pay his debts because he only has approximately \$200 left each month after paying for all of his and his daughters' expenses. In sum, the Individual has not demonstrated that he has a clear path forward to repaying his overdue creditors, or that he is adhering to a good-faith effort to pay his delinquent debts. Accordingly, I find that the Individual has not yet met the mitigating conditions of Guideline F at ¶ 20(d).

VII. CONCLUSION

Upon consideration of the entire record in this case, I find that there was sufficient evidence that raised concerns regarding the Individual's eligibility for a security clearance under Guideline F of the Adjudicative Guidelines. I further find that the Individual has not succeeded in fully resolving those concerns. Therefore, I cannot conclude that granting DOE access authorization to the Individual "will not endanger the common defense and security and is clearly consistent with the national interest." 10 C.F.R. § 710.7(a). Accordingly, I find that the DOE should not grant access authorization to the Individual at this time.

⁶ The Individual did not provide written documentation for the one delinquent debt which he asserted he had paid.

The parties may seek review of this Decision by an Appeal Panel, under the regulation set forth at 10 C.F.R. § 710.28.

Kimberly Jenkins-Chapman
Administrative Judge
Office of Hearings and Appeals