

Mathew B. Tully , Esq. Tells FedSmith How a Child can Place a Father's Security Clearance at Risk

Happy Father's Day, Dad – I Just Cost You Your Security Clearance

by Mathew B. Tully, Esq.

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As a retired lieutenant colonel in the New York Army National Guard and a father of three children, I have made many sacrifices for my country and my family. While my military career recently ended, my children are still young, so I'm sure I will be making many more sacrifices on that front. Fathers who work for the federal government or for defense contractors, too, make many sacrifices for their children. And sometimes their children can even cost them their security clearance. In many ways, the trials and travails of fatherhood can raise potentially disqualifying issues outlined in the Adjudicative Guidelines for Determining Eligibility for Access to Classified Information. A Tully Rinckey PLLC review of industrial security clearance decisions found that these issues frequently regard foreign influence concerns or financial considerations under Guidelines B or F, respectively. Here are a few ways sons and daughters have directly or indirectly put a father's security clearance in jeopardy or resulted in its revocation or denial:

Financial concerns
arising from debts related to a college-aged child's student loan(s). Clearance granted.

Financial concerns

arising from a reduction in work hours due to the need to care for a child. Clearance denied.

Financial concerns

arising from child support obligations. Clearance granted.

Financial concerns

arising from a child's unplanned pregnancy or legal bills from a child's criminal conduct. Clearance granted.

Foreign influence concerns

arising from children living in a foreign country, particularly one where Americans are targeted for the obtainment of protected information. Clearance denied.

Drug involvement concerns

arising from the use of a child's prescription medication. Clearance granted.

Drug involvement concerns

arising from an association with a child who abuses illegal drugs. Clearance denied.

Fathers have a reputation for solving problems. Fortunately, the Adjudicative Guidelines outline mitigating factors that can be raised to defuse national security concerns directly or indirectly linked to their children. For example, fathers swimming in debt because they co-signed a student loan on which a child defaulted can quell financial concerns by showing their financial problems were prompted by events beyond their control. They can also show they have taken steps to pay off their debts by filing for bankruptcy or establishing payment plans with creditors. First and foremost, fathers who have received a Statement of Reasons (SOR) or Letter of Intent (LOI) and are at risk of having their security clearance denied or revoked should always appeal the denial or revocation. If you are a contractor, you can request a hearing with a Defense Office of Hearings and Appeals (DOHA) judge at your first-level appeal. If you are a federal civilian or military member, you can request a personal appearance with a DOHA judge at your second-level appeal. In the appeal, dads want to ensure the information identified in the SOR or LOI are accurate. Inaccurate information can be corrected and may alleviate any concerns the agency has. Fathers will then want to provide any additional details about the issue that may help mitigate agency concerns. Fathers who expect to encounter security clearance issues because they have a wild child could benefit from a consultation with a security clearance representation attorney who can help them preemptively address any financial, foreign influence or drug concerns stemming from their offspring. © 2014 Tully Rinckey PLLC. All rights reserved. This article may not be reproduced without express written consent from Tully Rinckey PLLC.