



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



In the matter of:)
)
-----) ISCR Case No. 12-09905
)
Applicant for Security Clearance)

Appearances

For Government: Andrea Corrales, Esq., Department Counsel
For Applicant: *Pro se*

10/16/2015

Decision

HARVEY, Mark, Administrative Judge:

Applicant’s statement of reasons (SOR) alleges 12 delinquent, collection, or charged-off accounts totaling \$25,809. Three old medical debts and two other debts could not be located, and they were dropped from her credit report. She paid or settled three debts. Her remaining four SOR debts are in established payment plans. In 2015, she paid more than \$3,000 to address her SOR debts and to correct her credit report. Her September 28, 2015 credit report shows she has paid, is paying, has resolved, or kept current 14 debts. She provided sufficient evidence of her progress in resolving her financial problems. Financial considerations concerns are mitigated. Eligibility for access to classified information is granted.

Statement of the Case

On April 4, 2012, Applicant submitted an Electronic Questionnaires for Investigations Processing (e-QIP) version of a security clearance application (SF 86). (GE 1) On January 22, 2015, the Department of Defense (DOD) Consolidated Adjudications Facility (CAF) issued an SOR to Applicant, pursuant to Executive Order (Exec. Or.) 10865, *Safeguarding Classified Information Within Industry*, dated February 20, 1960, as amended; DOD Directive 5220.6, *Defense Industrial Personnel Security Clearance Review Program* (Directive), dated January 2, 1992, as amended; and the adjudicative guidelines (AG), which became effective on September 1, 2006.

The SOR alleged security concerns under Guideline F (financial considerations). (HE 2) The SOR detailed reasons why the DOD CAF was unable to find that it is clearly consistent with the national interest to grant or continue Applicant's access to classified information and recommended referral to an administrative judge to determine whether Applicant's clearance should be granted, continued, denied, or revoked. (HE 2)

On March 18, 2015, Applicant responded to the SOR allegations and requested a hearing. (HE 3) On June 27, 2015, Department Counsel was prepared to proceed. On July 23, 2015, the case was assigned to me. On August 10, 2015, the Defense Office of Hearings and Appeals (DOHA) issued a hearing notice setting the hearing for September 1, 2015. Department Counsel offered three exhibits into evidence, and Applicant offered 10 exhibits into evidence. (Tr. 15-20; Government Exhibit (GE) 1-3; Applicant Exhibit (AE) A-J) All exhibits were admitted into evidence without objection. (Tr. 16, 20-22) On September 10, 2015, DOHA received the transcript of the hearing. On September 30, 2015, 33 post-hearing documents were received, which were admitted on October 1, 2015, without objection. (AE K-AE AR) On October 1, 2015, the record closed.

Findings of Fact¹

In Applicant's SOR response, she admitted the debts in SOR ¶¶ 1.b, 1.e, 1.f, 1.g, 1.i, and 1.k. She also provided extenuating and mitigating information as part of her SOR response. Applicant's admissions are accepted as findings of fact.

Applicant is a 49-year-old executive assistant. (Tr. 5-6; GE 1) She provides administrative support for a government office. (Tr. 6) She has supported the same government office since 1998. (Tr. 7) From 1995 to 1999, she served in the Air Force, and she left active duty as a senior airman (E-4). (Tr. 6) Her Air Force specialties were aircraft environmental systems mechanic and computer operations. (Tr. 6) She earned an associate's degree in chemical engineering technology, and in 2005, she received a bachelor's of science degree in information technology. (Tr. 7-8) In 1991, she married, and in 1993, she divorced. (Tr. 17) She has two sons. (Tr. 44) She has held a security clearance since the mid-1990s, and there is no evidence of security violations. (Tr. 23) There is no evidence of disciplinary problems with her employer, illegal drug use, criminal offenses, or alcohol abuse.

Financial Considerations

Applicant's history of delinquent debt is documented in her SF 86, credit reports, SOR response, and hearing transcript. She disclosed a wage garnishment and delinquent utility debt in her SF 86. The status of Applicant's 12 delinquent, collection, or charged-off debts totaling \$25,809 is detailed in the following paragraphs.

¹Some details have not been included in order to protect Applicant's right to privacy. Specific information is available in the cited exhibits.

SOR ¶ 1.a alleges a charged-off second mortgage account for \$8,747 and SOR ¶ 1.d alleges a delinquent debt credit card debt for \$1,686. They are both owed to the same creditor. (AE L) Applicant acknowledged responsibility for both debts. (Tr. 25) She entered into a settlement agreement with the collection company, and she made two payments of \$150 each to the creditor, one in August 2015 and one in September 2015. (Tr. 25)

SOR ¶ 1.b alleges a delinquent debt for \$6,258, resulting from a vehicle repossessed in September 2014. (Tr. 27) Applicant cosigned on a loan so that her son, who had recently received a disability retirement from the Army, could have a vehicle. (Tr. 28) Her son was supposed to make the car and insurance payments. (Tr. 28) The car was damaged, and then the car seller repossessed it. (Tr. 28) On May 22, 2015, she established a payment plan with the creditor's attorney to address a debt for \$7,998, and she provided proof that she paid the creditor \$300 almost every month since May 2015. (Tr. 29; AE L; AE P; AE R) She paid the creditor \$1,200 from May through September 2015. (AE L; AE P; AE R)

SOR ¶ 1.c alleges a charged-off debt for \$2,717 owed to a home repair store. Applicant received an offer to settle the account for 30 percent of the amount owed. (Tr. 30) She accepted the offer, and she has paid a total of \$150. (Tr. 31, 54; AE S) She is required in her settlement agreement to pay \$50 monthly. (Tr. 31)

SOR ¶¶ 1.e and 1.j allege two collection accounts for \$1,392 and \$226 owed to the same telecommunications company. Applicant initially cancelled service for a landline, resulting in the \$226 debt. (Tr. 36) In 2013, she cancelled service with the company. (Tr. 32, 35-36) SOR ¶ 1.i alleges a collection account for \$256 with the original creditor being the telecommunications company. (AE O) The creditor is a collection agent. (SOR response; AE O) On August 13, 2015, she settled the debt for \$415. (Tr. 33, 36-37, 54-55) On August 16, 2015, the collection agent wrote that the account was settled and had a zero balance. (AE O)

SOR ¶¶ 1.f, 1.g, and 1.k allege three delinquent medical debts for \$774, \$509, and \$74. Applicant believed her medical insurance company was responsible for paying these three debts. (SOR response; AE L) These debts were incurred about 10 years ago. (Tr. 34) When she checked with the creditors, they were unable to locate the accounts. (Tr. 34) These three medical debts do not appear on her September 28, 2015 credit report. (AE V)

SOR ¶ 1.h alleges a charged-off debt for \$339 resulting from a store account. Applicant said she made two payments around 2008, and Applicant was unable to make additional payments. (SOR response) She contacted the creditor, and the creditor was unable to locate the new creditor currently holding the account. (Tr. 35) This debt does not appear on her September 28, 2015 credit report. (AE V)

SOR ¶ 1.l alleges a collection account for \$2,831. Applicant was unsure of the origin of this debt. (Tr. 38-39) At the time of her hearing, she was trying to locate the

creditor currently holding the account. (Tr. 37-39) This debt does not appear on her September 28, 2015 credit report. (AE V)

Applicant provided her September 28, 2015 summary from three major credit report companies. (AE V) Her credit scores are fair, fair, and good. (AE V at 2) Fourteen current or paid accounts are shown. (AE V at 5-10) There are some negative financial entries for her paid charged-off accounts, her transferred charged-off accounts with zero balances, and her vehicle repossession account in repayment status in SOR ¶ 1.b. (AE V at 9, 11-14) The debts in SOR ¶ 1.a for \$8,747 and ¶ 1.d for \$1,686 are shown as transferred to recovery. (AE V at 14-15)

Applicant has received credit counseling, and she has been working with a credit restoration or repair company to challenge derogatory entries and to improve the content of her credit reports. (Tr. 17-18; SOR response; AE A) She made four payments totaling \$1,000 to the credit restoration company in 2015. (Tr. 52-53; AE A) She developed a budget. (SOR response) Her monthly income is about \$4,500, and she has a monthly remainder of about \$1,000, which is available for unforeseen expenses such as repairs, replacements, and emergencies. (Tr. 22, 39-40, 45; SOR response) In the past several months, she paid to repair or replace her vehicle, water heater, refrigerator, and washer. (Tr. 44-45) She has a minimal balance in her bank accounts, and she has no retirement account. (Tr. 42) Her vehicle is paid off, and her \$138,000 mortgage is current. (Tr. 42-43; AE T) She does not use any credit cards. (Tr. 47)

Applicant obtained two "car title loans" totaling about \$5,000, which she used to bring her mortgage to current status. (Tr. 48, 51-52) She understands that utilization of payday loans and car title loans shows poor judgment, as they charge very high interest rates. (Tr. 48-52) Her car title loans were paid off in May 2015. (AE N) In February 2015, she began paying \$148 monthly to address her student loans, which had been deferred. (Tr. 52; AE M) She provided proof that her student loan payments are being made, and her student loan account is current. (AE M)

In 2012, Applicant's son was medically retired from the Army with 40 percent disability. (Tr. 56) He suffered from a bladder problem, post-traumatic stress disorder, and bi-polar disorder. (SOR response; Tr. 56) After his release from a mental hospital, he moved in with Applicant. (SOR response) At first he did well, and then he stopped taking his medication. (Tr. 57) He stole her debit card and made charges on it. (Tr. 58; SOR response) He became violent; she called the police; and he was removed from her home and placed into a mental institution. (Tr. 57) She cancelled the debit card, and after he was released from the mental institution, she did not permit him to return to her home. (Tr. 58)

Character Evidence

Applicant provided nine character statements from friends, coworkers, supervisors, and DOD employees. (AE B-J) The statements laud her dedicated service to the DOD since 1998 and emphasize her diligence, professionalism, efforts at financial improvement, conscientious compliance with rules, dependability, loyalty,

honesty, trustworthiness, and contributions to mission accomplishment. (AE B-J) A DOD senior executive service (SES) described the importance to the national defense of his office and Applicant's efforts to resolve her financial problems. (AE I) He described her character and work product as follows:

I have known [Applicant] professionally since she joined [his organization as a contractor] in July 1998. . . . [and Applicant became his] Executive Assistant and Security Manager [around August 2001. Applicant] is an exceptional employee and her performance is outstanding. I rely on [Applicant] to manage multiple tasks for me for our [senior military officers and DOD civilian employees. She] is one of a handful of people key to accomplishing our mission. [She] is meticulous at protecting classified information. (AE I)

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.

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 I have based this decision, 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 and the Secretary of Defense 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 relating to financial problems:

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.

AG ¶ 19 provides two disqualifying conditions that could raise a security concern and may be disqualifying in this case: “(a) inability or unwillingness to satisfy debts”; and “(c) a history of not meeting financial obligations.” In ISCR Case No. 08-12184 at 7 (App. Bd. Jan. 7, 2010), the Appeal Board explained:

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.

Id. (internal citation omitted).

Applicant’s history of delinquent debt is documented in her SF 86, credit reports, SOR response, and hearing transcript. Applicant’s SOR alleges and the record

establishes 12 delinquent, collection, or charged-off accounts totaling \$25,809. The Government established the disqualifying conditions in AG ¶¶ 19(a) and 19(c), requiring additional inquiry about the possible applicability of mitigating conditions.

Five mitigating conditions under AG ¶ 20 are potentially applicable:

(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, or a death, divorce or separation), and the individual acted responsibly under the circumstances;

(c) 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;

(d) the individual initiated a good-faith effort to repay overdue creditors or otherwise resolve debts;² and

(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.

The Appeal Board concisely 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

²The 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) in order to claim the benefit of [the good-faith mitigating condition].

(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)).

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).

ISCR Case No. 10-04641 at 4 (App. Bd. Sept. 24, 2013).

Applicant’s conduct in resolving her debts warrants application of AG ¶¶ 20(a) through 20(c). Applicant’s son had mental problems after leaving the Army, and Applicant tried to provide financial support for him. This is a circumstance largely beyond her control, which harmed her finances.

Of the 12 delinquent, collection, or charged-off SOR accounts totaling \$25,809, three old medical debts and two other debts could not be located or substantiated, and they were dropped from her credit report. She paid or settled three debts. Her remaining four SOR debts are in established payment plans. In 2015, she paid more than \$3,000 to address her credit issues, which includes \$2,000 paid to her SOR creditors and \$1,000 paid to a credit correction or repair company. Her September 28, 2015 credit report shows she has paid, is paying, has resolved, or kept current 14 debts, including her mortgage and student loans.

The Appeal Board explained that having unpaid, currently delinquent debt is not necessarily a bar to having access to classified information stating:

However, the Board has previously noted that an applicant is not required to be debt-free nor to develop a plan for paying off all debts immediately or simultaneously. All that is required is that an applicant act responsibly given his [or her] circumstances and develop a reasonable plan for repayment, accompanied by “concomitant conduct,” that is, actions which evidence a serious intent to effectuate the plan. See ISCR Case No. 07-06482 at 3 (App. Bd. May 21, 2008).

ISCR Case No. 08-06567 at 3 (App. Bd. Oct. 29, 2009).

Applicant’s delinquent debts “occurred under such circumstances that [are] unlikely to recur and [do] not cast doubt on the [her] current reliability, trustworthiness, or good judgment.” She acted responsibly under the circumstances by maintaining contact with her creditors,³ making payments and bringing her debts to current status.

³“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

She received financial counseling, and there are clear indications that the problem is being resolved or is under control. Her mortgage, student loans, and several other ongoing expenses are current. Her track record of financial responsibility shows sufficient effort, good judgment, trustworthiness, and reliability to warrant mitigation of financial considerations security concerns. Even if financial considerations are not mitigated under AG ¶¶ 20(a) through 20(c), they are mitigated under the whole-person concept, *infra*.

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. I have incorporated my comments under Guideline F in my whole-person analysis. Some of the factors in AG ¶ 2(a) were addressed under Guideline F, but some warrant additional comment.

Applicant is a 49-year-old executive assistant, who provides administrative support for a DOD office. She has supported the same government office since 1998. From 1995 to 1999, she served in the Air Force, and she left active duty as a senior airman. She earned an associate's degree in chemical engineering technology, and in 2005, she received a bachelor's of science degree in information technology. Nine character statements from friends, coworkers, and supervisors, including a DOD SES, lauded her dedicated service to the DOD since 1998 and emphasized her diligence, professionalism, efforts at financial improvement, conscientious compliance with rules, dependability, loyalty, honesty, trustworthiness, and contributions to accomplishment of her employer's mission. She held a security clearance since the mid-1990s, and there is no evidence of security violations, disciplinary problems with her employer, illegal drug use, criminal offenses, or alcohol abuse.

whether he or she maintained contact with creditors and attempted to negotiate partial payments to keep debts current.

Applicant's SOR alleges 12 delinquent, collection, or charged-off accounts totaling \$25,809. Three old medical debts and two other debts could not be located, and they were dropped from her credit report. She paid or settled three debts, and her remaining four SOR debts are in established payment plans. Her September 28, 2015 credit report shows she has paid, is paying, has resolved, or kept current 14 debts. Applicant has stable employment. She received financial counseling, has a budget, and has a monthly remainder after expenses of about \$1,000. There are clear indications that her financial problems will not recur, are being resolved, and are under control.

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

. . . 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 has paid off each and every debt listed in the SOR. All that is required is that an applicant demonstrate that he has . . . established a plan to resolve his 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 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, 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.

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

Applicant understands what she needs to do to establish and maintain her financial responsibility. All of her debts are paid or being paid. Her efforts at debt resolution have established a "meaningful track record" of debt re-payment. She should continue to check her credit report and diligently act to resolve any negative entries that arise on her credit report. I am confident she will maintain her financial responsibility.⁴

⁴The Government has the option of following-up with more questions about Applicant's finances. The Government can re-validate Applicant's financial status at any time through credit reports, investigation, and interrogatories. Approval of a clearance now does not bar the Government from subsequently revoking it, if warranted. "The Government has the right to reconsider the security significance of past conduct or circumstances in light of more recent conduct having negative security significance." ISCR Case No. 10-06943 at 4 (App. Bd. Feb. 17, 2012). Violation of a promise made in a security context to pay legitimate debts also raises judgment concerns under Guideline E, and may support future revocation of a security clearance. An administrative judge does not have "authority to grant an interim, conditional, or probationary clearance." ISCR Case No. 10-06943 at 4 (App. Bd. Feb. 17, 2012) (citing ISCR Case No. 10-03646 at 2 (App. Bd. Dec. 28, 2011)). See also ISCR Case No. 04-03907

I have carefully applied the law, as set forth in *Egan*, Exec. Or. 10865, the Directive, and the AGs, to the facts and circumstances in the context of the whole person. Financial considerations concerns are mitigated, and eligibility for access to classified information is granted.

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: FOR APPLICANT

Subparagraphs 1.a through 1.l: For Applicant

Conclusion

In light of all of the circumstances presented by the record in this case, it is clearly consistent with the national interest to grant or continue Applicant's eligibility for a security clearance. Eligibility for access to classified information is granted.

Mark Harvey
Administrative Judge

at 2 (App. Bd. Sep. 18, 2006) (stating, "The Board has no authority to grant [a]pplicant a conditional or probationary security clearance to allow her the opportunity to have a security clearance while she works on her financial problems."). This footnote does not imply that this decision to grant Applicant's security clearance is conditional.