



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



In the matter of:)
)
XXXXXXXXXX, XXXXX) ISCR Case No. 13-00341
)
Applicant for Security Clearance)

Appearances

For Government: Melvin A. Howry, Esq., Department Counsel
For Applicant: *Pro se*

03/05/2014

Decision

Tuider, Robert J., Administrative Judge:

Applicant’s statement of reasons (SOR) alleges five delinquent debts, totaling \$67,162. Applicant made a mistake in a real estate transaction resulting in a \$100,331 non-SOR debt. She had insufficient financial resources to pay her debts. In the last two years, she settled and paid three large non-SOR debts and two SOR debts. She disputed the other three SOR debts. Financial considerations concerns are mitigated. In 2008, Appellant applied for and received an Iranian National Identification Card (NIC); however, she turned in her Iranian NIC, does not have an Iranian passport, renounced her Iranian citizenship, and did not go to Iran. Foreign preference concerns are mitigated. Eligibility for access to classified information is granted.

Statement of the Case

On November 12, 2012, Applicant submitted an Electronic Questionnaire for Investigations Processing (e-QIP). On June 3, 2013, the Department of Defense (DOD) issued an SOR to Applicant, pursuant to Executive Order 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) promulgated by the President on December 29, 2005.

The SOR alleged security concerns under Guidelines F (financial considerations) and C (foreign preference). The SOR detailed reasons why DOD could not make the preliminary affirmative finding under the Directive that it is clearly consistent with the national interest to grant or continue a security clearance for Applicant and recommended referral to an administrative judge to determine whether Applicant's clearance should be granted, continued, denied, or revoked.

On June 22, 2013, Applicant responded to the SOR allegations and waived her right to a hearing. A complete copy of the file of relevant material (FORM), dated October 22, 2013, was provided to her on November 17, 2013.¹ On December 2, 2013, Applicant responded to the FORM and provided a cover letter with 12 enclosures. Department Counsel did not object to my consideration of Applicant's FORM response. The case was assigned to me on January 14, 2014.

Findings of Fact²

In her Answer to the SOR, Applicant admitted all of the SOR allegations. She also provided extenuating and mitigating information. Her admissions are accepted as findings of fact.

Applicant is a 44-year-old linguist.³ She emigrated from Iran to the United States in 1987, when she was 18 years old. In 1989, she was awarded a medical assistant certificate. She became a U.S. citizen in 1995. She received a real estate certificate in 2010. She worked in real estate sales from 2002 to 2012. She has never served in the U.S. military. In 1992, she married, and her two children were born in the United States in 1994 and 1995. Her mother, father, brother, husband, and two children live in the United States and are U.S. citizens.

Financial Considerations

In 2008, Applicant purchased a foreclosed property at a trustee sale; however, she made a mistake in her bid and was required to pay \$312,000 instead of her intended bid of \$145,000.⁴ She sold the property for \$260,000 eight months later, and with costs accrued a \$100,331 debt. She provided the documentation showing how this debt was generated, several substantial payments to the creditor, and her other efforts to resolve it. She worked diligently to resolve other debts that became delinquent in

¹ The DOHA transmittal letter is dated October 24, 2013, and Applicant's receipt is dated November 17, 2013. The DOHA transmittal letter informed Applicant that she had 30 days after her receipt to submit information.

² Some details have been excluded in order to protect Applicant's right to privacy. Specific information is available in the cited exhibits.

³ The source for the facts in this paragraph is Applicant's e-QIP (GE 1).

⁴ The sources for the information in this paragraph are Applicant's Office of Personnel Management personal subject interview (OPM PSI) (GE 6) and her FORM response.

2008. In March 2012, she settled and paid a \$35,524 credit card debt for \$14,500. In May 2012, she settled and paid a credit card debt of \$92,979 which was used for home repairs for \$21,500. In October 2012, she settled and paid a credit card debt of \$27,040 for \$9,500.

Applicant's delinquent debts are consistently described in her e-QIP, OPM PSI, responses to DOHA interrogatories, SOR response, and FORM response.

On June 19, 2013, the creditor offered to settle the credit card debt of \$17,680 described in SOR ¶ 1.a for \$2,800. (SOR response, Encl. A) She paid this debt on June 25, 2013. (FORM response, Encl. 6)

On June 19, 2013, the creditor offered to settle the credit card debt of \$10,927 described in SOR ¶ 1.b for \$2,500. (SOR response, Encl. B) She paid this debt on June 24, 2013. (FORM response, Encl. 7)

Applicant admitted responsibility for the bank debt in SOR ¶ 1.c (\$20,400); however, she disputed the amount of the debt. (SOR response) On March 19, 2011, a collection company wrote Applicant indicating that the collection company has assumed responsibility for collecting the \$22,986 debt and providing various settlement options. (SOR response, Encl. C) On April 5, 2011, Applicant wrote the collection company seeking verification of the debt. (SOR response, Encl. C) Applicant disputed the creditor's entry on her credit report, and on June 21, 2013, a credit reporting company wrote that the original creditor failed to respond to the credit reporting companies' inquiry and the reference to the original creditor was deleted. (FORM response, Encl. 8)

Applicant admitted responsibility for the bank debt in SOR ¶ 1.d (\$11,579); however, she disputed the amount of the debt. (SOR response) In 2009, the debt became delinquent. (FORM response) In 2011, the creditor sought to dismiss a lawsuit pertaining to the debt because the creditor lacked documentation to verify the debt, and on June 29, 2011, the court dismissed the lawsuit without prejudice. (SOR response, Encl. D; FORM response)

Applicant admitted responsibility for the credit card debt in SOR ¶ 1.e (\$6,576); however, she disputed the amount of the debt. (SOR response) In 2009, Applicant attempted to negotiate a settlement with the creditor; however, she was unsuccessful. (FORM response) In July 2012, the creditor filed a lawsuit against Applicant; however, on October 1, 2012, the lawsuit was dismissed without prejudice. (SOR response, Encl. E)

In sum, Applicant settled and paid the two debts, totaling \$28,607 in SOR ¶¶ 1.a (\$17,680) and 1.b (\$10,927) in June 2013. She disputed the three debts, totaling \$38,555 in SOR ¶¶ 1.c (\$20,400), 1.d (\$11,579), and ¶ 1.e (\$6,576).

Foreign Preference

Applicant emigrated from Iran to the United States in 1987.⁵ Applicant is an Orthodox Christian of Armenian descent. Her family fled Iran to avoid Iranian oppression and persecution.

Applicant has never returned to Iran after immigrating to the United States.⁶ In 2008, Applicant's cousin asked Applicant to attend her wedding in Iran. Applicant applied for and received an Iranian NIC and Iranian birth certificate because she needed them to obtain an Iranian passport so that she could go to Iran. She did not apply for a passport or go to Iran because it took too long for her Iranian passport to be approved for her to attend the wedding. (GE 7 at 5) When she had her counter-intelligence interview, she realized the Iranian NIC might raise a security concern, and she offered to surrender it to the Government. The OPM interviewer told her to retain the Iranian NIC.

After Applicant received the FORM she sent her Iranian NIC to the Iranian Government, and in her cover letter she also renounced her Iranian citizenship.⁷ She promised that she will never visit Iran.

Character Evidence

Applicant received two certificates of appreciation in 2013 for providing outstanding support to an Army unit in Afghanistan. (FORM response) She "brought a significant and direct impact" in effective mission accomplishment. (Jan. 2013 Certificate; FORM response, Encl. 1).

In November 2013, an infantry colonel currently commanding an Army task force in Afghanistan wrote "[i]t is imperative that [Applicant] receives a security clearance due to the unit's current operational environment and mission requirements." (FORM response, Encl. 1) She is "[a] consummate professional and talented translator, [who is] continuously in harm's way with our task force only to return and continue to assist our efforts on [our forward operating base]." *Id.* "Her positive attitude, intellect, and physical aptitude sets the standard for all linguists assigned to [the task force]. An invaluable linguist who proficiently speaks four languages, [her] value to military units will double once her security clearance is approved." *Id.*

Policies

The U.S. Supreme Court has recognized the substantial discretion of the Executive Branch in regulating access to information pertaining to national security

⁵ The source for the facts in this paragraph is Applicant's FORM response.

⁶ Unless stated otherwise, the source for the facts in this paragraph is Applicant's SOR response.

⁷ The source for the facts in this paragraph is Applicant's FORM response.

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, *Safeguarding Classified Information within Industry* § 2 (Feb. 20, 1960), as amended.

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. See also Executive Order 12968 (Aug. 2, 1995), § 3.1. 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 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.

(internal citation omitted). Applicant’s history of delinquent debt is documented in her credit reports, SF 86, OPM interview, SOR response, and FORM response.

Applicant’s debts became delinquent when she made a mistake at an auction, resulting in a \$100,331 debt. Several credit cards became delinquent. Applicant’s SOR alleges five delinquent debts, totaling \$67,162. 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; 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.

Applicant's conduct in resolving her debts warrants full application of AG ¶¶ 20(a) to 20(e).⁸ In March 2012, she settled and paid a \$35,524 non-SOR credit card debt for \$14,500. In May 2012, she settled and paid a non-SOR credit card debt of \$92,979, which was used for home repairs, for \$21,500. In October 2012, she settled and paid a non-SOR credit card debt of \$27,040 for \$9,500. In June 2013, she settled and paid the debts in SOR ¶¶ 1.a and 1.b, totaling \$28,607.

Applicant disputed the debts in SOR ¶¶ 1.c to 1.e, totaling \$38,555. She questioned the amounts the creditors were seeking.⁹ She was dissatisfied with the responses received from the creditors and continues to dispute the three debts. Her history of paying her debts lends credibility to her claims that these three creditors were not acting responsibly. In any event, they are collection barred due to the state 4-year statute of limitations for collections based on contracts. See Cal. Code Civ. Proc. § 337(1).

The Appeal Board explained that circumstances beyond one's control can cause unresolved debt, and are 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

⁸ The Appeal Board has indicated that promises to pay off delinquent debts in the future are not a substitute for a track record of paying debts in a timely manner and otherwise acting in a financially responsible manner. ISCR Case No. 07-13041 at 4 (App. Bd. Sept. 19, 2008) (citing ISCR Case No. 99-0012 at 3 (App. Bd. Dec. 1, 1999)).

⁹ 15 U.S.C. 1692g(a)(3) states:

"Within five days after the initial communication with a consumer in connection with the collection of any debt," a debt collector must send written notice to the debtor containing, inter alia, "a statement that unless the consumer, within thirty days after receipt of the notice, disputes the validity of the debt, or any portion thereof, the debt will be assumed to be valid by the debt collector."

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 admitted responsibility for and took reasonable and responsible actions to resolve her SOR debts, establishing some good faith.¹⁰ She established and maintained contact with her creditors.¹¹ She used her limited resources to settle and pay two large delinquent SOR debts and three large delinquent non-SOR debts. Her financial problem is being resolved or is under control. Applicant has learned from her financial mistakes, they are unlikely to recur; and they do not cast doubt on her current reliability, trustworthiness, or good judgment. Her efforts are sufficient to fully mitigate financial considerations security concerns. Assuming, financial considerations concerns are not mitigated under AG ¶ 20, security concerns are mitigated under the whole-person concept, *infra*.

Foreign Preference

AG ¶ 9 describes the foreign preference security concern stating, “when an individual acts in such a way as to indicate a preference for a foreign country over the United States, then he or she may be prone to provide information or make decisions that are harmful to the interests of the United States.”

AG ¶ 10 lists conditions that could raise a security concern and may be disqualifying in Applicant’s case.

¹⁰The 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)).

¹¹“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.

(a) exercise of any right, privilege or obligation of foreign citizenship after becoming a U.S. citizen or through the foreign citizenship of a family member. This includes but is not limited to:

- (1) possession of a current foreign passport;
- (2) military service or a willingness to bear arms for a foreign country;
- (3) accepting educational, medical, retirement, social welfare, or other such benefits from a foreign country;
- (4) residence in a foreign country to meet citizenship requirements;
- (5) using foreign citizenship to protect financial or business interests in another country;
- (6) seeking or holding political office in a foreign country; and
- (7) voting in a foreign election;

(b) action to acquire or obtain recognition of a foreign citizenship by an American citizen;

(c) performing or attempting to perform duties, or otherwise acting, so as to serve the interests of a foreign person, group, organization, or government in conflict with the national security interest; and

(d) any statement or action that shows allegiance to a country other than the United States: for example, declaration of intent to renounce United States citizenship; renunciation of United States citizenship.

Applicant requested and received an Iranian birth certificate and NIC for the purpose of obtaining an Iranian passport to travel to Iran to attend her cousin's wedding. She did not actually receive the Iranian passport or travel to Iran. She did not receive any benefit from the Iranian birth certificate or NIC. She did not seek Iranian citizenship or express an allegiance to Iran or to renounce her U.S. citizenship. Nevertheless, the scope of AG ¶ 10 is not limited to the specifically enumerated disqualifying conditions. Her conduct is sufficient to raise a foreign preference security concern due to her intent to her expressed intention to obtain an Iranian passport and travel to Iran, a nation that is a state sponsor of terrorism that has often expressed extreme hostility towards the United States and U.S. interests. AG ¶ 10 applies.

AG ¶ 11 provides two conditions that could mitigate security concerns in this case: "(b) the individual has expressed a willingness to renounce dual citizenship;" and "(e) the passport [or in this case the Iranian NIC] has been destroyed, surrendered to the cognizant security authority, or otherwise invalidated."

Applicant did not receive any benefits as a result of holding an Iranian NIC. She did not travel to Iran after becoming a U.S. citizen and does not intend to do so in the future. She returned her Iranian NIC; she wrote Iran that she was renouncing her Iranian citizenship; her service with the Army in a combat zone is a powerful demonstration of her loyalty to the United States. AG ¶¶ 11(b) and 11(e) apply and foreign preference concerns are mitigated.

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.

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

Applicant is a 44-year-old linguist, who emigrated from Iran to the United States in 1987, when she was 18 years old. She became a U.S. citizen in 1995. In 1992, she married, and her two children were born in the United States in 1994 and 1995. Her mother, father, brother, husband, and two children live in the United States and are U.S. citizens. She has no immediate family living in Iran, has not traveled to Iran since 1987, and she does not intend to travel there in the future. If she were to travel to Iran, she would probably be persecuted because of her religious beliefs and her allegiance to the United States. She is sufficiently mature to understand and comply with her security responsibilities.

She deserves substantial credit for supporting the U.S. Government as an employee of a contractor and as a linguist supporting the Army in Afghanistan. There is every indication that she is loyal to the United States and her employer. There is no evidence that she abuses alcohol, uses illegal drugs, violated security rules, or committed criminal conduct. A decision to purchase a property at a foreclosure sale led to her financial woes. I give Applicant credit for admitting responsibility for her delinquent debts in her e-QIP, responses to DOHA interrogatories, OPM PSI, SOR response, and FORM response. She received a very strong endorsement from a brigade command level commander in Afghanistan recommending approval of her security clearance.

Applicant's employment as a linguist in Afghanistan, a U.S.-designated combat zone, and important contributions to the U.S. military at personal risk, are important factors weighing towards approval of her security clearance. She is willing to continue to

serve in Afghanistan in support of U.S. Armed Forces as a linguist, risking her life as part of her duties on behalf of the U.S. combat forces in Afghanistan. She is fully aware of the risks to herself. These circumstances increase the probability that Applicant will recognize, resist, and report any attempts by a foreign power, terrorist group, or insurgent group to coerce or exploit her. See ISCR Case No. 07-00034 at 2 (App. Bd. Feb. 5, 2008). Her desire for employment as a translator and oath of allegiance to the United States document her loyalty, trustworthiness, and reliability.

In 2012, Applicant settled and paid \$45,500 to resolve three large non-SOR debts totaling \$155,543. In June 2013, she settled and paid the debts in SOR ¶¶ 1.a and 1.b, totaling \$28,607. She disputed the debts in SOR ¶¶ 1.c to 1.e, totaling \$38,555. She does not have any collectible, delinquent debts. The Appeal Board has addressed a key element in the whole-person analysis in financial cases stating:

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 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 is an intelligent person, and she understands what she needs to do to establish and maintain her financial responsibility. There is simply no reason not to trust her. Moreover, she established a "meaningful track record" of debt re-payment. I am confident she will maintain her financial responsibility.

I have carefully applied the law, as set forth in *Department of Navy v. Egan*, 484 U.S. 518 (1988), Exec. Or. 10865, the Directive, and the AGs, to the facts and circumstances in the context of the whole person. I conclude financial considerations concerns are mitigated. 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 to 1.e: For Applicant

Paragraph 2, Guideline C: FOR APPLICANT

Subparagraph 2.a: For Applicant

Conclusion

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

Robert J. Tuidier
Administrative Judge