



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



In the matter of:)
)
-----) ISCR Case No. 11-01784
)
Applicant for Security Clearance)

Appearances

For Government: Tovah A. Minster, Esquire, Department Counsel
For Applicant: *Pro se*

04/14/2014

Decision

GALES, Robert Robinson, Administrative Judge:

Applicant mitigated the security concerns regarding financial considerations. Eligibility for a security clearance and access to classified information is granted.

Statement of the Case

On October 28, 2011, Applicant applied for a security clearance and submitted an Electronic Questionnaire for Investigations Processing (e-QIP) version of a Security Clearance Application (SF 86).¹ On September 25, 2012, the Department of Defense (DOD) issued her a set of interrogatories. She responded to the interrogatories on November 26, 2012.² On October 24, 2013, the DOD Consolidated Adjudications Facility (CAF) issued a Statement of Reasons (SOR) to her, pursuant to Executive Order 10865, *Safeguarding Classified Information within Industry* (February 20, 1960), as amended and modified; Department of Defense Directive 5220.6, *Defense Industrial Personnel Security Clearance Review Program* (January 2, 1992), as amended and modified (Directive); and the *Adjudicative Guidelines for Determining Eligibility For*

¹ Item 4 ((SF 86), dated October 28, 2011).

² Item 5 (Applicant's Answers to Interrogatories, dated November 26, 2012).

Access to Classified Information (December 29, 2005) (AG) applicable to all adjudications and other determinations made under the Directive, effective September 1, 2006. The SOR alleged security concerns under Guideline F (Financial Considerations), and detailed reasons why the DOD CAF adjudicators could not make a preliminary affirmative finding under the Directive that it is clearly consistent with the national interest to grant or continue a security clearance for Applicant. The SOR recommended referral to an administrative judge to determine whether a clearance should be granted, continued, denied, or revoked.

Applicant received the SOR on October 4, 2013. In a statement, notarized December 27, 2013, Applicant responded to the SOR allegations, supported by documentation,³ but she failed to indicate if she was requesting a hearing. On January 6, 2014, she submitted an amended response to the SOR, and elected to have her case decided on the written record in lieu of a hearing.⁴ A complete copy of the Government's file of relevant material (FORM) was provided to Applicant on February 20, 2014, and she was afforded an opportunity, within a period of 30 days after receipt of the FORM, to file objections and submit material in refutation, extenuation, or mitigation. Applicant received the FORM on February 26, 2014, and she submitted a response on March 1, 2014. By letter, dated March 28, 2014, Department Counsel did not object to the response. The case was assigned to me on April 9, 2014.

Findings of Fact

In her Answer to the SOR, Applicant admitted all four of the factual allegations pertaining to financial considerations in the SOR (¶¶ 1.a. through 1.d.). Applicant's admissions and other comments are incorporated herein as findings of fact. After a complete and thorough review of the evidence in the record, and upon due consideration of same, I make the following additional findings of fact:

Applicant is a 48-year-old employee of a defense contractor. She has been working as a full-time logistics management analyst since July 1995, and part-time as a veterinary hospital cleaner since October 2007.⁵ She has never served in the U.S. military.⁶ She graduated from high school in June 1984, and subsequently she attended two very brief technical training courses in 2000 and 2002. Applicant has never been married,⁷ but does have three children from different relationships: a daughter born in May 1981, and two sons born in October 1984 and November 1990.⁸ Because of her failure to disclose her delinquent debts when completing a Questionnaire for Non-

³ Item 3 (Applicant's Answer to the SOR).

⁴ Item 3 (Applicant's Amended Answer to the SOR).

⁵ Item 4, *supra* note 1, at 10-12.

⁶ Item 4, *supra* note 1, at 13.

⁷ Item 4, *supra* note 1, at 14-15.

⁸ Item 4, *supra* note 1, at 16-17.

Sensitive Positions (SF-85), she was denied a security clearance in 2007.⁹ She has apparently never held a security clearance.

Financial Considerations

It is difficult to ascertain when Applicant's financial difficulties actually commenced for she has furnished differing explanations regarding same. She acknowledged that she had "experienced financial hardship in the past and immediately took action when she felt overwhelmed."¹⁰ She also acknowledged that in 2008 she obtained a \$5,000 loan in order to pay "some overdue bills,"¹¹ thereby indicating that there were financial problems before 2008. She contended a major contributing factor to her financial situation occurred in December 2011, when she had to resign from her part-time position, with its associated loss of income, in order to assist her newly-widowed sister following the death of her brother-in-law.¹² Yet, Applicant stated that she sought financial assistance in May 2011, months before that incident, to eliminate her debt.¹³ Applicant's November 2011 credit report is also unclear, for there was an account that had been delinquent several times as early as 2007,¹⁴ and other accounts that were delinquent in 2010,¹⁵ or pre-December 2011.¹⁶ It is also interesting to note that in his security clearance decision in October 2007, the administrative judge stated: "Applicant has a history of financial problems dating back to 1999, the point at which she lost control of her finances."¹⁷ Nevertheless, without focusing on the initial commencement of her financial problems, it is apparent that Applicant has had a long-standing problem with her finances.

At some unspecified point, because of insufficient money to continue making all of her monthly payments, many of her accounts became delinquent, placed for collection, or were charged off. One automobile was voluntarily surrendered. In April 2011, Applicant enrolled in a debt elimination program and entered into a dedicated account agreement to establish an account to be administered by a financial counseling agency for the purpose of accumulating funds to repay her debts in connection with a debt settlement program sponsored by that agency. Under that agreement, Applicant

⁹ Item 5 (Personal Subject Interview, dated December 13, 2011), at 3. See also ISCR Case No. 07-05946 (Oct. 31, 2007) wherein she was determined ineligible for a security clearance under the Guidelines for personal conduct and financial considerations.

¹⁰ Applicant's Response to the FORM, at 2.

¹¹ Item 5 (Personal Subject Interview), at 2.

¹² Applicant's Response to the FORM, at 2.

¹³ Applicant's Response to the FORM, at 2.

¹⁴ Item 8 (Combined Experian, TransUnion, and Equifax Credit Report, dated November 16, 2011), at 7.

¹⁵ Item 8, *supra* note 14, at 6, 9.

¹⁶ Item 8, *supra* note 14, at 8-10.

¹⁷ ISCR Case No. 07-05946, at 2.

agreed to make monthly payments of \$155.¹⁸ She initially included 6 delinquent accounts, later increased to 11 delinquent accounts, as identified in her credit report, in the program.¹⁹ Commencing in May 2011, payments were received from Applicant and various amounts were applied to some of her listed accounts.²⁰ Several accounts, including non-SOR accounts and SOR accounts, were settled.²¹ Applicant is still being assisted by the financial counseling agency, with the ultimate goal of eventually resolving all of her delinquent accounts.

In September 2012, the DOD CAF was interested in 12 delinquent accounts. By the time the SOR was issued over a year later in October 2013, the focus was solely on 4 purportedly delinquent accounts totaling \$11,238 that had been placed for collection or charged off, as generally reflected by the November 2011 credit report,²² a September 2012 credit report,²³ and a September 2013 credit report.²⁴ Some accounts listed in the credit reports have been transferred, reassigned, or sold to other creditors or collection agents. Other accounts are referenced repeatedly in the credit reports, in some instances duplicating other accounts listed, either under the same creditor name or under a different creditor name. Several accounts are listed with only partial account numbers. Those debts listed in the SOR and their respective current status, according to the credit reports, evidence submitted by the Government and Applicant, and Applicant's comments regarding the same, are described below.

(SOR ¶ 1.a.) There is a medical account with an unidentified medical provider for professional service rendered to her son with an unpaid balance of \$464 that was placed for collection.²⁵ Applicant had hoped that the father of her son would pay the bill, but he failed to do so. The account was included in her debt elimination program, but to date, other accounts had taken priority, and this account has not yet been addressed. The account has not yet been resolved.

(SOR ¶ 1.b.) There is a medical account with an unidentified medical provider for professional service rendered to Applicant related to her knee surgery in October 2008

¹⁸ Item 5 (Dedicated Account Agreement & Application, dated April 14, 2011). Unfortunately for Applicant, not all of the \$155 is applied to her accounts, for she is charged various transaction fees ranging from 0.15 to \$25.

¹⁹ Item 5 (Letter, undated); Client Summary Worksheet, dated April 15, 2011, attached to Applicant's Response to the FORM.

²⁰ Account Activity Statement, dated December 4, 2012, attached to Applicant's Response to the FORM; Item 5 (Account Activity Statement, dated November 26, 2012); Account Activity Statement, dated March 4, 2014, attached to Applicant's Response to the FORM.

²¹ Letter, undated, attached to Applicant's Response to the FORM.

²² Item 8, *supra* note 14.

²³ Item 7 (Equifax Credit Report, dated September 25, 2012).

²⁴ Item 6 (Equifax Credit Report, dated September 11, 2013).

²⁵ Item 8, *supra* note 14, at 5.

with an unpaid balance of \$273 that was placed for collection.²⁶ The account was included in her debt elimination program, and when the collection agent offered to settle the account for \$205.34, Applicant agreed to the offer.²⁷ She contends the account was paid on December 19, 2013.²⁸ On December 23, 2013, the collection agent acknowledged that the account was paid in full.²⁹ The account has been resolved.

(SOR ¶ 1.c.) There is a medical account with an unidentified medical provider for professional service rendered to Applicant related to her knee surgery in October 2008 with an unpaid balance of \$50 that was placed for collection.³⁰ The account was not included in her debt elimination program, but was handled by Applicant separately. On March 4, 2014, the collection agent acknowledged that the account was paid in full.³¹ The account has been resolved.

(SOR ¶ 1.d.) There is an automobile finance loan with a high credit of \$20,167 that was placed for collection and charged off in 2011 after Applicant was chronically past due on her payments.³² At the time of the charge-off, the account was past due \$10,450.³³ The vehicle was voluntarily relinquished, and subsequently sold at auction. That auction sale generated \$2,800 that was applied to the outstanding balance. An additional \$604 in “retaking” and selling the vehicle was added to the balance, leaving a deficiency balance of \$11,615.87 for which Applicant is liable.³⁴ The account was included in the debt elimination program, and Applicant contended her financial counseling agency was “working towards a settlement with the creditor.”³⁵ She has offered no documentation to support her contention that any action towards such resolution has yet been taken. Except for being placed on a future action list, the account has not yet entered the resolution process.

In November 2012, Applicant submitted a personal financial statement. Applicant’s monthly net income was \$2,609.81. With monthly household expenses, mortgage, and debt elimination payments, totaling \$2,448.01, she had approximately \$161.80 available for discretionary spending or savings.³⁶

²⁶ Item 8, *supra* note 14, at 8.

²⁷ Letter, dated December 19, 2013, attached to Applicant’s Response to the FORM; Item 3 (Identical letter, attached to Applicant’s Answer to the SOR).

²⁸ Item 3 (Applicant’s Answer to the SOR), at 1.

²⁹ Letter, dated December 23, 2013, attached to Applicant’s Response to the FORM.

³⁰ Item 8, *supra* note 14, at 8.

³¹ Letter, dated March 4, 2014, attached to Applicant’s Response to the FORM.

³² Item 8, *supra* note 14, at 8.

³³ Item 6, *supra* note 24, at 2.

³⁴ Item 5 (Explanation of Calculation of Surplus or Deficiency, dated September 9, 2012).

³⁵ Item 3 (Applicant’s Answer to the SOR), at 1.

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.”³⁷ 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. The President has authorized the Secretary of Defense or his designee to grant an applicant eligibility for access to classified information “only upon a finding that it is clearly consistent with the national interest to do so.”³⁸

When evaluating an applicant’s suitability for a security clearance, the administrative judge must consider the AG. In addition to brief introductory explanations for each guideline, the AG list potentially disqualifying conditions and mitigating conditions, which are used in evaluating an applicant’s eligibility for access to classified information.

An administrative judge need not view the guidelines as inflexible, ironclad rules of law. Instead, acknowledging the complexities of human behavior, these guidelines are applied in conjunction with the factors listed in the adjudicative process. The administrative judge’s overarching adjudicative goal is a fair, impartial, and commonsense decision. The entire process is a conscientious scrutiny of a number of variables known as the “whole-person concept.” The administrative judge must consider all available, reliable information about the person, past and present, favorable and unfavorable, in making a meaningful decision.

In the decision-making process, facts must be established by “substantial evidence.”³⁹ The Government initially has the burden of producing evidence to establish a potentially disqualifying condition under the Directive, and has the burden of establishing controverted facts alleged in the SOR. Once the Government has produced substantial evidence of a disqualifying condition, under Directive ¶ E3.1.15, the applicant has the burden of persuasion to present evidence in refutation, explanation, extenuation or mitigation, sufficient to overcome the doubts raised by the Government’s case. The burden of disproving a mitigating condition never shifts to the Government.⁴⁰

³⁶ Item 5 (Personal Financial Statement, dated November 26, 2012).

³⁷ *Department of the Navy v. Egan*, 484 U.S. 518, 528 (1988).

³⁸ Exec. Or. 10865, *Safeguarding Classified Information within Industry* § 2 (Feb. 20, 1960), as amended and modified.

³⁹ “Substantial evidence [is] such relevant evidence as a reasonable mind might accept as adequate to support a conclusion in light of all contrary evidence in the record.” ISCR Case No. 04-11463 at 2 (App. Bd. Aug. 4, 2006) (citing Directive ¶ E3.1.32.1). “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).

⁴⁰ See ISCR Case No. 02-31154 at 5 (App. Bd. Sep. 22, 2005).

A person who seeks access to classified information enters into a fiduciary relationship with the Government predicated upon trust and confidence. This relationship transcends normal duty hours and endures throughout off-duty hours as well. It is because of this special relationship that the Government must be able to repose a high degree of trust and confidence in those individuals to whom it grants access to classified information. 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 as to potential, rather than actual, risk of compromise of classified information. Furthermore, “security clearance determinations should err, if they must, on the side of denials.”⁴¹

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.”⁴² 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 as to Applicant’s allegiance, loyalty, or patriotism. It is merely an indication the Applicant has or has not met the strict guidelines the President and the Secretary of Defense have established for issuing a clearance. In reaching this decision, I have drawn only those conclusions that are reasonable, logical, and based on the evidence contained in the record. Likewise, I have avoided drawing inferences grounded on mere speculation or conjecture.

Analysis

Guideline F, Financial Considerations

The security concern relating to the guideline for Financial Considerations is set out in AG ¶ 18:

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. . . .

The guideline notes several conditions that could raise security concerns. Under AG ¶ 19(a), an *inability or unwillingness to satisfy debts* is potentially disqualifying. Similarly, under AG ¶ 19(c), a *history of not meeting financial obligations* may raise security concerns. Applicant has had a long-standing problem with her finances which generally predate her 2008 loan to pay some overdue bills. She routinely found herself with insufficient funds to continue making her routine monthly payments and various

⁴¹ *Egan*, 484 U.S. at 531

⁴² See Exec. Or. 10865 § 7.

accounts became delinquent, and were placed for collection, or charged off. AG ¶¶ 19(a) and 19(c) apply.

The guideline also includes examples of conditions that could mitigate security concerns arising from financial difficulties. Under AG ¶ 20(a), the disqualifying condition may be mitigated where *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*. Also, under AG ¶ 20(b), financial security concerns may be mitigated where *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*. Evidence that *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* is potentially mitigating under AG ¶ 20(c). Similarly, AG ¶ 20(d) applies where the evidence shows *the individual initiated a good-faith effort to repay overdue creditors or otherwise resolve debts*.⁴³

AG ¶¶ 20(c) and 20(d) apply. AG ¶ 20(b) partially applies. AG ¶ 20(a) does not apply. The nature, frequency, and relative recency of Applicant's continuing financial difficulties since before 2008, and possibly since 1999, make it difficult to conclude that it occurred "so long ago" or "was so infrequent." Applicant's financial problems were apparently not caused by frivolous or irresponsible spending, and she did not spend beyond her means. Instead, her financial problems were in some small measure beyond Applicant's control. Commencing at some point before 2008, Applicant started experiencing some financial difficulties, but, except for referring to her knee surgery, she has failed to adequately describe the causation for those financial problems. She also generally referred to herself as a single parent of three children. In December 2011, the death of her brother-in-law motivated her to resign from her part-time position in order to assist her grieving sister. That action resulted in reduced income. During that period, commencing before 2008, many accounts became delinquent, placed for collection, or were charged off. One automobile was voluntarily surrendered.

In April 2011, Applicant enrolled in a debt elimination program for the purpose of accumulating funds to repay her debts. She initially included a number of delinquent

⁴³ The 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 [or statute of limitations]) 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)).

accounts in the program. Commencing in May 2011, payments were applied to some of her listed accounts. Many of her non-SOR accounts and several of the SOR accounts were settled. Applicant is still being assisted by the financial counseling agency, with the ultimate goal of resolving all of her delinquent accounts.

While Applicant may not be a gifted money manager, she eventually and periodically acted responsibly by addressing her delinquent accounts and working with her creditors.⁴⁴ With the assistance of the financial counseling agency, she focused on several of the accounts and resolved them. Other accounts are on her debt elimination list awaiting their respective turn to receive money. Applicant also paid off a delinquent medical account on her own without the intervention of the financial counseling agency. As noted above, in September 2012 the DOD CAF was interested in 12 delinquent accounts. By the time the SOR was issued over a year later, the focus was solely on 4 purportedly delinquent accounts totaling \$11,238 that had been placed for collection or charged off. Two of those accounts have been resolved. There are clear indications that, for an extensive period, Applicant has been addressing her delinquent accounts, and her financial problems are finally close to being under control. Applicant's actions under the circumstances confronting her do not cast doubt on her current reliability, trustworthiness, or good judgment.⁴⁵

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. Moreover, I have evaluated the various

⁴⁴ "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.

⁴⁵ See ISCR Case No. 09-08533 at 3-4 (App. Bd. Oct. 6, 2010).

aspects of this case in light of the totality of the record evidence and have not merely performed a piecemeal analysis.⁴⁶

There is some evidence against mitigating Applicant's conduct. Her handling of her finances over a lengthy period permitted a number of accounts to become delinquent. As a result, accounts were placed for collection or charged off. A vehicle was voluntarily relinquished.

The mitigating evidence under the whole-person concept is more substantial. Applicant's financial problems were not caused by frivolous or irresponsible spending, and she did not spend beyond her means. Rather, her problems were in some small measure beyond Applicant's control. In April 2011, two and one-half years before the SOR was issued, Applicant enrolled in a debt elimination program administered by a financial counseling agency for the purpose of accumulating funds to repay her debts. Under that agreement, Applicant has been making monthly payments of \$155, to be divided among her creditors, and several accounts, including non-SOR accounts and SOR accounts, were resolved. Applicant is still being assisted by the financial counseling agency, with the ultimate goal of eventually resolving all of her delinquent accounts. There are clear indications that Applicant's financial problems are under control. Applicant's actions under the circumstances confronting her do not cast doubt on her current reliability, trustworthiness, or good judgment. Considering her past and current debt resolution and elimination efforts, further financial issues are unlikely to recur.

The Appeal Board has addressed a key element in the whole-person analysis in financial cases stating:⁴⁷

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 [or she] has paid off each and every debt listed in the SOR. All that is required is that an applicant demonstrate that he [or she] has ". . . established a plan to resolve his [or her] 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 [or her] 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

⁴⁶ See *U.S. v. Bottone*, 365 F.2d 389, 392 (2d Cir. 1966); See also ISCR Case No. 03-22861 at 2-3 (App. Bd. Jun. 2, 2006).

⁴⁷ ISCR Case No. 07-06482 at 2-3 (App. Bd. May 21, 2008) (internal citations omitted).

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.

Applicant has demonstrated a “meaningful track record” of debt reduction and elimination efforts. Nevertheless, this decision should serve as a warning that her failure to continue her debt resolution efforts or the accrual of new delinquent debts will adversely affect her future eligibility for a security clearance.⁴⁸ Overall, the evidence leaves me without questions and doubts as to Applicant’s eligibility and suitability for a security clearance. For all of these reasons, I conclude Applicant has mitigated the security concerns arising from her financial considerations. See AG ¶ 2(a)(1) through AG ¶ 2(a)(9).

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
Subparagraph 1.a:	For Applicant
Subparagraph 1.b:	For Applicant
Subparagraph 1.c:	For Applicant
Subparagraph 1.d:	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 Applicant eligibility for a security clearance. Eligibility for access to classified information is granted.

ROBERT ROBINSON GALES
Administrative Judge

⁴⁸ While this decision should serve as a warning to Applicant, the decision, including the warning, should not be interpreted as being contingent on future monitoring of Applicant’s financial condition. The Defense Office of Hearings and Appeals (DOHA) has no authority to attach conditions to an applicant’s security clearance. See, e.g., ISCR Case No. 06-26686 at 2 (App. Bd. Mar. 21, 2008); ISCR Case No. 04-04302 at 5 (App. Bd. Jun. 30, 2005); ISCR Case No. 03-17410 at 4 (App. Bd. Apr. 12, 2005); ISCR Case No. 99-0109 at 2 (App. Bd. Mar. 1, 2000).