



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



In the matter of:)
)
-----) ISCR Case No. 11-14611
)
Applicant for Security Clearance)

Appearances

For Government: Eric H. Borgstrom, Esquire, Department Counsel
For Applicant: *Pro se*

12/13/2013

Decision

HARVEY, Mark, Administrative Judge:

Applicant’s statement of reasons (SOR) lists 15 delinquent, charged-off, collection, or judgment accounts totaling \$23,416. In May 1995 and December 2003, the Bankruptcy Court discharged her nonpriority, unsecured debts under Chapter 7 of the Bankruptcy Code. Circumstances largely beyond her control caused her recent delinquent debt. She made substantial progress resolving her financial problems and less than \$3,000 of debt remains unresolved. Financial considerations concerns are mitigated. Eligibility for access to classified information is granted.

Statement of the Case

On April 1, 2011, Applicant submitted an Electronic Questionnaires for Investigations Processing (e-QIP) version of security clearance application (SF 86). (Item 3) On March 25, 2013, the Department of Defense Consolidated Adjudications Facility (DOD CAF) 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 Guideline F (financial considerations). (Item 1) 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. (Item 1)

On May 9, 2013, Applicant responded to the SOR allegations and waived her right to a hearing. (Item 2) A complete copy of the file of relevant material (FORM), dated July 23, 2013, was provided to her on August 20, 2013.¹ On October 22, 2013, Applicant responded to the FORM. On November 7, 2013, Department Counsel elected not to object to Applicant's SOR response. The case was assigned to me on December 6, 2013.

Findings of Fact²

In Applicant's response to the SOR, she admitted the allegations in SOR ¶¶ 1.b, 1.f, 1.g, 1.h, 1.i, 1.k, 1.l, 1.m, 1.p, and 1.q. (Item 2; FORM at 2) She also provided: (1) explanations for her debts; (2) information about disputes for some debts; (3) payment information; and (4) other mitigating information. (Item 2) Her admissions are accepted as findings of fact.

Applicant is a 42-year-old accountant, who has worked for the same defense contractor for the last six years.³ (Item 3; FORM at 2) In 2005, she was awarded a bachelor of science degree in accounting. (Item 4) She has not served in the military. (Item 3) She has never married. (Item 3) Her daughter was born in 2006. (Item 4) Applicant disclosed several delinquent debts and two judgments on her April 1, 2011 SF 86. (Item 3)

Financial Considerations

In September 2005, Applicant's father died, and her mother moved in with Applicant. (Item 4) Applicant's income decreased as she was unable to work overtime. Her mother did not work outside their home, and Applicant tried to pay her mother's debts and keep her own debts current. (Item 4) On April 28, 2011 and July 7, 2011, Applicant discussed her delinquent debts with an Office of Personnel Management (OPM) investigator during her personal subject interview (PSI). (Item 4) She attributed her delinquent debts to insufficient income, and in some instances, to incidents beyond her control. She did not receive child support payments from the father of her daughter.

¹The DOHA transmittal letter is dated July 30, 2013, and Applicant's receipt is dated August 20, 2013. The DOHA transmittal letter informed Applicant that she had 30 days after her receipt to submit information.

²Some details have not been included in order to protect Applicant's right to privacy. Specific information is available in the cited exhibits.

³Applicant's April 1, 2011 SF 86 is the basis for most of the facts in this paragraph. (Item 3)

She and her daughter had some extraordinary medical expenses and numerous co-pays for appointments, therapy, and pharmaceuticals. (Items 2 and 4; FORM response) Daycare and afterschool care for her daughter is a significant expense. (FORM response) She received some financial counseling in 2011 to help her with budgeting and expenses. (FORM response)

Applicant's history of delinquent debt is documented in her credit reports, OPM PSIs, SOR response, and FORM response. Applicant's SOR lists 15 delinquent debts totaling \$23,416 as follows: (1) and (2) state judgments in ¶ 1.a (\$744) and ¶ 1.b (\$10,751); (3) to (11) medical debts in ¶ 1.c (\$32), ¶ 1.d (\$82), ¶ 1.e (\$20), ¶ 1.f (\$101), ¶ 1.g (\$52); ¶ 1.h (\$899); ¶ 1.i (\$300); ¶ 1.j (\$943); and ¶ 1.n (\$376); (12) telecommunications debt in ¶ 1.k (\$257); (13) and (14) education debts in ¶ 1.l (\$674) and 1.m (\$7,940); and (15) credit card or bank debt in ¶ 1.o (\$245).

Bankruptcies

The Bankruptcy Court discharged Applicant's nonpriority, unsecured debts under Chapter 7 of the Bankruptcy Code in May 1995 and December 2003. (SOR ¶¶ 1.p and 1.q) Applicant did not specifically recall why she required bankruptcy in 1995; however, she suggested that she spent excessively and fell too far behind on her debts to recover financially without utilizing bankruptcy. (Item 4 at 80)

Applicant's real estate investments in 2003 were the primary cause of her second bankruptcy.⁴ In 2003, Applicant owned two houses. She lived in one house and utilized tenant payments to fund the mortgage and expenses on the other house. Expenses, repairs, and mortgage payments totaled more than her rent receipts. She used credit cards in an attempt to retain both houses. She eventually concluded that she could not afford the rental property because of her negative cash flow. The fair market value of her rental was less than her mortgage, and her expenses to complete the sale of the rental property were high. She subsequently moved out of the second house into an apartment, and she was unable to afford the mortgage payments, as she was a student. Her debts were substantial from her mortgage and credit cards, and she utilized bankruptcy for a fresh financial start. She did not indicate whether either of her properties were lost through foreclosure sales.

Education Debts

On March 11, 2013, a law firm handling one of her education debts wrote that the state judgment in ¶ 1.a (\$744) was satisfied. (Item 2 at 8-9; FORM at 3; FORM response at 2-3) Applicant has an established payment plan addressing the state judgment in ¶ 1.b (\$10,751) by paying \$250 per month. (Item 2 at 11-12) As of April 15, 2013, the debt in SOR ¶ 1.b was reduced to \$8,708. (Item 2 at 12) As of August 5, 2013, the balance was \$7,773. (FORM response at 1)

⁴The source for the information in this paragraph is Applicant's SOR response and FORM response. (Item 2 at 79, 82; FORM response)

Applicant made \$100 payments in March and April 2013 to address the college debt in SOR ¶ 1.l (\$674), and this debt is shown on her July 2013 credit report as amounting to \$391. (FORM at 4-5) On August 28, 2013, a law firm notified Applicant that the education debt in ¶ 1.l (\$674) was resolved. (FORM response at 4-5)

Applicant said the education debt in SOR ¶ 1.m (\$7,940) was the same debt as the education debt in SOR ¶ 1.b (now \$7,773). (Item 2 at 76) Applicant has about \$50,000 in student loan debt. (Item 5) Her July 15, 2013 credit report shows one student loan delinquent in the amount of \$391 and another student loan delinquent in the amount of \$2,099. (Item 5) She has a total of \$2,390 in delinquent student loan debt reflected on her July 15, 2013 credit report; however, it does not appear that either of these debts is listed on her SOR. (Item 5)

Medical Debts

Applicant paid the medical debts in ¶ 1.c (\$32), ¶ 1.d (\$82), and ¶ 1.e (\$20). (Item 2 at 14; Item 5 at 1; FORM at 3) She provided copies of the bills and a February 11, 2011 paid medical invoice for \$135. (Item 2 at 14-18)

On April 24, 2013, Applicant paid the medical debts in ¶ 1.f (\$101) and ¶ 1.g (\$52). (Item 2 at 19-24; Item 5 at 1; FORM at 3-4) She provided copies of the debit transactions from her account. (Item 2 at 20-21, 23-24) The creditor in SOR ¶ 1.n (\$376) wrote, indicating the debt was no longer on Applicant's account statement. (Item 2 at 77; FORM response)

Applicant's insurance was transferred when she changed employment in 2007; however, she believes that she had insurance. The medical debts in SOR ¶ 1.h (\$899) and ¶ 1.i (\$300) are unpaid. (FORM at 4) Her July 15, 2013 credit report shows the debt in SOR ¶ 1.i is disputed. (Item 5) She continues to dispute her responsibility for these two debts. (FORM response)

Applicant settled and paid the medical debt in SOR ¶ 1.j (\$943-settled). (FORM at 4) Applicant's July 15, 2013 credit report does not indicate Applicant has any delinquent medical debts. (Item 5)

Miscellaneous Debts

Applicant contacted the creditor holding the telecommunications debt in SOR ¶ 1.k (\$257) and asked for documentation to support the debt. (FORM at 4; Item 2 at 64) The creditor was unable to locate original supporting documentation, and the creditor agreed to accept a dispute of the debt and suggested that she send a dispute to the credit reporting companies. (Item 2 at 64) The debt does not appear on her July 15, 2013 credit report. (Item 5)

Applicant's SOR ¶ 1.o shows a \$245 bank debt. Applicant contacted the creditor and learned the debt was transferred. (Item 2 at 78) She contacted the collection company and was advised that the debt did not show a balance as being due. (Item 2 at

78; FORM response) The original creditor appears on her July 15, 2013 credit report; however, it does not show any balance as being owed and the collection agent is not listed on her credit report. (Item 5)

Applicant provided numerous receipts and account statements showing her payments of non-SOR debts. (Items 2, 4) Her records of medical copays and pharmacy bills were particularly numerous.

Applicant generated a budget or personal financial statement. Her monthly gross salary is \$5,005; her monthly net income is \$4,277; her monthly expenses are \$3,455; her monthly debt payments are \$520; and her monthly net remainder is \$302. (Item 4 at 4) She has \$35,617 in a retirement account and owns two used cars valued at \$4,000. She does not have a car payment. (Item 4 at 4)

In sum, her debts were resolved as follows: (1) and (2) state judgments in ¶ 1.a (\$744-**paid**) and ¶ 1.b (\$10,751-**payment plan**); (3) to (11) medical debts in ¶ 1.c (\$32-**paid**), ¶ 1.d (\$82-**paid**), ¶ 1.e (\$20-**paid**), ¶ 1.f (\$101-**paid**), ¶ 1.g (\$52-**paid**); ¶ 1.h (\$899-**disputed**); ¶ 1.i (\$300-**disputed**); ¶ 1.j (\$943-**settled**); and ¶ 1.n (\$376-**paid**); (12) telecommunications debt in ¶ 1.k (\$257-**disputed**); (13) and (14) education debts in ¶ 1.l (\$674-**paid**) and 1.m (\$7,940-**payment plan (duplication of ¶ 1.b)**); and (15) credit card or bank debt in ¶ 1.o (\$245-**disputed**).

Character Evidence

Applicant provided two character statements supporting approval of her access to classified information. (FORM response) Her character statements were from her supervisor from 2001 to 2005 and a college professor. They laud her dedication, determination, organizational skills, willingness to accept responsibility for her decisions, energy, intelligence, consistency, and perseverance.

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, *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 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.

(internal citation omitted). Applicant’s history of delinquent debt is documented in her credit reports, OPM PSI, SOR response, and FORM response. Applicant’s nonpriority, unsecured debt was discharged under Chapter 7 of the Bankruptcy Code in May 1995 and December 2003. Her SOR lists 15 delinquent, charged-off, collection, or judgment accounts totaling \$23,416. 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;⁵ and

⁵The 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

(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 the 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 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 full application of AG ¶¶ 20(a) and 20(b). Her bankruptcy in 2003 was caused by a decline in real estate values and expenses due to her rental property. Her financial problems after 2005 were caused when her mother moved in with her; she had a baby in 2006, and she did not receive child support; Applicant had insufficient income; and Applicant and her daughter had medical problems. Her financial problems were adversely affected by circumstances largely beyond her control.

Applicant paid or settled and paid nine SOR debts as follows: ¶ 1.a (\$744); ¶ 1.c (\$32); ¶ 1.d (\$82); ¶ 1.e (\$20); ¶ 1.f (\$101); ¶ 1.g (\$52); ¶ 1.j (\$943); ¶ 1.n (\$376), and ¶ 1.l (\$674). She disputed four SOR debts as follows: ¶ 1.h (\$899); ¶ 1.i (\$300); ¶ 1.k (\$257); and ¶ 1.o (\$245). The debt in SOR ¶ 1.b (\$10,751) is in a payment plan (paid down to \$7,773) and the debt in SOR ¶ 1.m (\$7,940) is a duplication of this debt.⁶

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, punctuation, 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)).

⁶ 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)).

Partial application of AG ¶ 20(c) is warranted. Applicant received some financial knowledge in the process of resolving her debts, and she generated a budget. She is a trained accountant. Although there is limited evidence of record that she established and maintained contact with her creditors,⁷ her financial problem is being resolved or is under control.

AG ¶ 20(d) is partially applicable. Applicant admitted responsibility for and took reasonable actions to resolve her SOR debts, establishing some good faith. AG ¶ 20(e) is applicable to the four SOR debts she disputed that were removed from her credit report.

In sum, Applicant fell behind on her debts after 2005 because of circumstances beyond her control. She paid or settled and paid nine SOR debts; she successfully disputed four SOR debts; and one SOR debt is in a payment plan. The only derogatory financial information on her July 15, 2013 credit report is a total of \$2,390 in delinquent student loan debt, and this debt may be the student loan debt she is currently addressing in her established payment plan. She has established her financial responsibility. It is unlikely that financial problems will recur. 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*.

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

⁷“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.

guidelines and the whole-person concept. AG ¶ 2(c). 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 42-year-old accountant, who has worked for the same defense contractor for the last six years. She earned a bachelor of science degree in accounting. Her daughter was born in 2006. She provides financial support to her mother. Two character references lauded her responsibility, perseverance, and maturity. 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. There is every indication that she is loyal to the United States and her employer. Medical expenses for herself and her daughter, the failure of her daughter's father to pay child support, and the necessity of providing support to her mother, contributed to Applicant's financial woes.

Applicant has a lengthy history of financial problems. Her SOR described the discharge of her nonpriority, unsecured debt under Chapter 7 of the Bankruptcy Code in May 1995 and December 2003, as well as 15 delinquent, charged-off, collection, or judgment accounts totaling \$23,416. Nevertheless, she acted responsibly to repair her finances. She paid or settled and paid nine SOR debts, successfully disputed four debts, and placed one debt in a payment plan. 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 [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 [or her] 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. There is simply no reason not to trust her. She has established a

“meaningful track record” of debt repayment. I am confident she will keep her promise to pay her remaining delinquent SOR debt and avoid future delinquent debt.⁸

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, 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 to 1.q: For Applicant

Conclusion

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

Mark Harvey
Administrative Judge

⁸Of course, the government can re-validate Applicant’s financial status at any time through credit reports, investigation, and additional interrogatories. Approval of a clearance now does not bar the government from subsequently revoking it, if warranted. 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 a conditional clearance. ISCR Case No. 99-0901, 2000 WL 288429 at *3 (App. Bd. Mar. 1, 2000). See *also* ISCR Case No. 04-03907 at 2 (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.” and citing ISCR Case No. 03-07418 at 3 (App. Bd. Oct. 13, 2004)). This footnote does not imply that this Applicant’s clearance is conditional.