



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



In the matter of:

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ISCR Case No. 15-04494

Applicant for Security Clearance

Appearances

For Government: Daniel F. Crowley, Esq., Department Counsel
For Applicant: *Pro se*

10/25/2016

Decision

HARVEY, Mark, Administrative Judge:

Applicant's statement of reasons (SOR) includes 22 allegations of delinquent debts. Circumstances beyond his control damaged his finances. He made sufficient progress to mitigate financial considerations security concerns. Eligibility for access to classified information is granted.

Statement of the Case

On June 21, 2012, Applicant completed and signed his Electronic Questionnaire for National Security Positions (e-QIP) or security clearance application (SCA). (Government Exhibit (GE) 1) On December 7, 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*; DOD Directive 5220.6, *Defense Industrial Personnel Security Clearance Review Program* (Directive); and the *Adjudicative Guidelines for Determining Eligibility for Access to Classified Information* (AG), which became effective on September 1, 2006.

The SOR detailed reasons why the DOD CAF did not find under the Directive that it is clearly consistent with the national interest to grant or continue a security clearance for him, and recommended referral to an administrative judge to determine whether a clearance should be granted, continued, denied, or revoked. (Hearing Exhibit (HE) 2)

Specifically, the SOR set forth security concerns arising under Guideline F (financial considerations).

On January 2, 2016, Applicant responded to the SOR, and he requested a hearing. On March 31, 2016, Department Counsel was ready to proceed. On June 18, 2016, the case was assigned to me. On August 9, 2016, the Defense Office of Hearings and Appeals (DOHA) issued a notice of hearing, setting the hearing for September 1, 2016. (HE 1) The hearing was conducted as scheduled.

During the hearing, Department Counsel offered 6 exhibits; Applicant offered 24 exhibits; and all proffered exhibits were admitted without objection. (Tr. 13-15; Government Exhibits (GE) 1-6; Applicant Exhibits (AE) A-X) On September 12, 2016, DOHA received a copy of the transcript of the hearing.

Findings of Fact¹

In Applicant's SOR response, he admitted the SOR allegations in SOR ¶¶ 1.a, 1.b, 1.c, 1.g, 1.h, 1.i, 1.k, 1.l, 1.m, 1.n, 1.o, 1.p, 1.q, 1.u, and 1.v. He denied the other SOR allegations. He also provided extenuating and mitigating information. Applicant's admissions are accepted as findings of fact.

Applicant is a 38-year-old graphics designer, and he has worked for his employer since 2000. (Tr. 5-7; GE 1) In 1996, he graduated from high school. (Tr. 5) In 2000, he received a bachelor's degree in sports administration. (Tr. 6) In 2006, he married, and he has five children, who are ages 4, 5, 6, 8, and 18. (Tr. 7) He did not serve in the military. (GE 1) He does not have a criminal record; he does not abuse illegal drugs; and there is no evidence of security violations. (GE 1)

Financial Considerations

In 2007, Applicant's spouse lost her employment, and he had medical bills with the birth of each of his children. (Tr. 17) In 2005, Applicant purchased a one-bedroom condominium. (Tr. 18) After their first children were born, they moved into a house, and they rented the condominium because they were unable to sell it. (Tr. 18) The rent was insufficient to pay the mortgage loan and condominium fees. (Tr. 18) The tenant passed away in the condominium, and the condominium mortgage loan went into foreclosure. (Tr. 18)

A year ago, Applicant obtained a second job to raise more income to address his debts. (Tr. 19) He works five days a week on one job, and seven days a week on the other job delivering packages. (Tr. 20-21) Applicant's spouse was unable to work outside their home because of the needs of their children; however, recently she began a 10-hour per week, part-time job delivering items. (Tr. 19, 21-22) Applicant is careful

¹Some details have been excluded to protect Applicant's right to privacy. Specific information is available in the cited exhibits.

about expenses, and he uses a budget. (Tr. 22) For one year, Applicant utilized a commercial debt consolidation payment plan to help pay and resolve his delinquent debts. (Tr. 27) Applicant's taxes are current. (Tr. 46) Applicant and his spouse's current monthly income including their part-time employment is about \$8,000. (Tr. 23-24, 29-30)

The status of the SOR debts is as follows:

SOR ¶ 1.a alleges a medical judgment entered in 2014 for \$222. On December 28, 2015, Applicant paid \$320 and resolved this debt. (Tr. 30; AE A)

SOR ¶ 1.b alleges a 2012 homeowner's association judgment for \$3,608. Applicant negotiated a payment plan, and he made the first \$67 payment on September 1, 2016. (Tr. 30-31; AE B)

SOR ¶¶ 1.c through 1.g and 1.t allege six delinquent medical debts for \$173, \$198, \$540, \$112, \$271, and \$541. On December 31, 2015, he settled and paid the debt for \$173 for \$173. (Tr. 31; AE C) On August 2, 2016, he settled and paid the \$198 debt for \$160. (Tr. 31-32; AE D) On August 23, 2016, Applicant established a \$15 monthly payment plan to address the debt for \$540. (Tr. 32; AE E) On July 29, 2016, he settled and paid the \$112 debt for \$106. (Tr. 32; AE F) On December 31, 2015, he settled and paid the \$271 debt for \$281. (Tr. 32-33; AE H) Applicant was unable to locate the creditor for the debt in SOR ¶ 1.t for \$541, and it is not listed on his current credit report. (Tr. 36-37) In sum, four of his medical debts are paid and resolved; one medical debt is in a payment plan; and one medical debt cannot be located.

SOR ¶ 1.h alleges a charged-off bank debt for \$869. On August 19, 2016, Applicant established a \$36 monthly payment plan to address the debt for \$869. (Tr. 32-33; AE I)

SOR ¶ 1.i alleges a collection-bank debt for \$2,684. On February 27, 2015, Applicant established a \$198 monthly payment plan to address the debt for \$2,684. (Tr. 33; AE I) As of July 27, 2016, he had made 18 payments to address a debt with a \$4,473 balance on February 27, 2015. (AE I)

SOR ¶¶ 1.j, 1.r, and 1.s allege three mortgage loan accounts delinquent in the amounts of \$31,664; \$23,585 with a balance of \$39,421; and \$15,771 with a balance of \$141,821. Applicant's condominium had two mortgages loans from the same lender. (Tr. 39; GE 2; AE J) Applicant was unable to sell the condominium because the decline in real estate prices caused the property to be worth less than the amounts of the two mortgages. In 2009, Applicant hired a company to attempt a settlement of the debt or renegotiate the mortgage and paid the company \$800. (Tr. 33-34; AE J) In 2010, a mortgage lender foreclosed on Applicant's condominium, and the purchaser's successful bid was \$50,001. (AE J) The foreclosure documentation did not detail the resolution of the mortgages in SOR ¶¶ 1.j, 1.r, and 1.s. (AE J) Applicant provided correspondence from the original lender and the collection agent (named in SOR ¶ 1.j) seeking payment. (AE J) The original lender was required to pay \$2 billion through a

federal settlement to those who borrowed funds for mortgages. (AE J) Applicant did not provide any documentation showing the benefits of the settlement were applied to his account. On December 12, 2013, the lender wrote seeking a payoff of the debt in the amount of \$62,188. (AE J) On August 25, 2014, the lender wrote acknowledging correspondence from Applicant indicating Applicant believed the debt was no longer owed. (Tr. 33-36, 40; AE J; AE R) The file does not contain a current detailed explanation for the amount or status of the debt. The lenders in SOR ¶¶ 1.j, 1.r, and 1.s are not listed in Applicant's July 22, 2016 credit reports. (Tr. 35; AE X)

SOR ¶¶ 1.k to 1.p allege six delinquent student loan debts for \$157 (loan amount is \$7,447), \$34 (loan amount is \$2,099), \$61 (loan amount is \$3,674), \$50 (loan amount is \$2,910), \$50 (loan amount is \$2,910), and \$91 (loan amount is \$5,474). Applicant's student loans are now combined, and his monthly payment is \$84. (Tr. 36, 39, 41; AE P) His July 22, 2016 credit reports show either that his student loans are deferred (his spouse is attending college classes) or that they are in in "pays as agreed" status. (AE X)

SOR ¶ 1.q alleges a charged-off bank account for \$1,002. In February 2015, he began making \$24 monthly payments, and in February 2016, he increased the monthly payment to \$39. (Tr. 36; AE Q) In July 2016, the balance owed was \$468. (AE Q)

SOR ¶ 1.u alleges a public storage collection account in the amount of \$348. On August 8, 2015, he settled and paid the \$348 debt for \$265. (Tr. 37; AE U)

SOR ¶ 1.v alleges a telecommunications collection account in the amount of \$271. On December 31, 2015, he settled and paid the \$271 debt for \$281. (Tr. 37-38; AE V)

In sum, Applicant's SOR alleges 22 delinquent accounts; he paid seven debts (SOR ¶¶ 1.a, 1.c, 1.d, 1.f, 1.g, 1.u, and 1.v); he has 11 debts in payment plans (SOR ¶¶ 1.b, 1.e, 1.h, 1.i, 1.k-1.p, 1.q); three alleged mortgage debts are disputed (SOR ¶¶ 1.j, 1.r, and 1.s); and he was unable to locate one debt (SOR ¶ 1.t).

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. Thus, nothing in this decision should be construed to suggest that it is based, 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 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 for 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." 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

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,

(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 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).

AG ¶¶ 20(a), 20(c), and 20(d) apply. Applicant's delinquent debts were caused by his spouse's loss of her employment, and family medical expenses with the birth of his children. In 2005, Applicant purchased a one-bedroom condominium. After their first children were born, they moved into a house, and they rented the condominium because they were unable to sell it. The rent was insufficient to pay the mortgage loans and condominium fees. His tenant passed away in the condominium, and the condominium mortgage loan went into foreclosure. Applicant was unable to sell the condominium because the decline in real estate prices caused the property to be worth less than the amounts owed on the two mortgages.

Applicant acted responsibly to address his delinquent debts. A year ago, Applicant obtained a second job to raise more income to address his debts. His spouse recently obtained a part-time job. Applicant is careful about expenses, and he uses a budget. For one year, Applicant utilized a commercial debt consolidation plan to help pay and resolve his delinquent debts. His taxes are current. Applicant's SOR alleges 22 delinquent accounts; he paid 7 debts; and he has 11 debts in payment plans.

AG ¶ 20(e) applies to the three alleged mortgage loans in SOR ¶¶ 1.j, 1.r, and 1.s, and to the medical debt in SOR ¶ 1.t. Applicant's condominium was foreclosed in

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)).

2010, and there is no evidence the lender or collection agent has sought a deficiency judgment to enforce the debt. Applicant's mortgage lender made a settlement of \$2 billion with the federal government and most of settlement amount was supposed to be paid to debtors. The mortgage loans and medical debt are not listed on Applicant's July 22, 2016 credit reports. Applicant worked with the mortgage lender to resolve the debt before the foreclosure. He argued to the lender that the debt was resolved, and the lender has not pursued collection of the debt.³

Applicant did not cite the statute of limitations as his rationale for not arranging a payment plan for his mortgage debt. Recently, the DOHA Appeal Board reinforced its position on statutes of limitations not mitigating financial considerations concerns stating:

In this case, the Judge noted that Applicant explained that he did not owe any of the alleged debts because they had either been deleted from his credit report or soon would be deleted, and he also relied on a state statute of limitations to absolve himself of debts. The Appeal Board has long recognized that debts remain relevant for security clearance purposes even if they are no longer enforceable due to the running of the statute of limitations or cannot be legally listed on a credit report due to the passage of time. See *e.g.*, ISCR Case No. 03-04779 at 4 (App. Bd. Jul. 20, 2005) and ISCR Case No. 03-20327 at 6 (App. Bd. Oct 26, 2006).⁴ We also have held that reliance on a state's statute of limitations does not constitute a good-faith effort to resolve financial difficulties and is of limited mitigative value. ADP Case No. 06-18900 at 5 (App. Bd. Jun. 6, 2008) (citing ISCR Case No. 03-04779 at 4 (App. Bd. Jul. 20, 2005) and ISCR Case No. 01-09691 at 2-3 (App. Bd. Mar. 27, 2003)).

³ The state statute of limitations on written contracts is five years under Va. Code § 8.01-246(2) for the state where Applicant's condominium is located. The creditor's decision not to enforce the mortgage debt by obtaining a judgment may be because it is collection-barred by the state statute of limitations or it may be due to a myriad of other reasons such as the federal debt settlement, inability to locate supporting documentation, or the belief that Applicant could not afford payments. A creditor's decision not to enforce a debt because of a state statute of limitations is not necessarily mitigating. See ISCR Case No. 08-01122 at 4 (App. Bd. Feb. 9, 2009); ISCR Case No. 07-08049 at 5 (App. Bd. Jul. 22, 2008); ADP Case No. 07-13041 at 5 (App. Bd. Sep. 19, 2008); ISCR Case No. 07-11814 at 2 (App. Bd. Dec. 29, 2008) ADP Case No. 06-14616 at 3 (App. Bd. Oct. 18, 2007) (stating, "reliance upon legal defenses such as the statute of limitations does not necessarily demonstrate prudence, honesty, and reliability; therefore, such reliance is of diminished probative value in resolving trustworthiness concerns arising out of financial problems. See, *e.g.*, ISCR Case No. 03-20327 at 4 (App. Bd. Oct. 26, 2006)."). See also ISCR Case No. 12-04806 at 3-6 (App. Bd. Jul. 3, 2014) (denying government appeal and approving application of anti-deficiency statute to mitigate mortgage debts). Applicant's condominium is not in a state with an anti-deficiency statute.

⁴ Compare ISCR Case No. 12-04806 (App. Bd. Jul. 3, 2014). In that case, Applicant corroborated efforts to settle debts that were in "charged-off" status. Also, that Applicant had received financial counseling. Ultimately, the Board affirmed the Judge's favorable decision.

ISCR Case No. 15-01208 at 3 (App. Bd. Aug. 26, 2016). There is substantial evidence that the disputed debts are resolved. Should these debts resurface, I believe Applicant will act in good faith to resolve them.

Based on Applicant's credible and sincere promise to pay his debts and his track record of paying his debts, future new delinquent debt "is unlikely to recur and does not cast doubt on [Applicant's] current reliability, trustworthiness, or good judgment," and "there are clear indications that the problem is being resolved or is under control." His payments of his debts showed good faith. He has sufficient income to keep his debts in current status and to continue making progress paying his remaining debts. I am confident that Applicant will conscientiously endeavor to maintain his financial responsibility. His efforts are sufficient to mitigate financial considerations security concerns.

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 38-year-old graphics designer, where he has worked for his employer since 2000. In 2000, he received a bachelor's degree in sports administration. In 2006, he married, and he has five children. He does not have a criminal record; he does not abuse illegal drugs; and there is no evidence of security violations. He is sufficiently mature to conscientiously comply with his security responsibilities.

Applicant's delinquent debts were caused by his spouse's unemployment, the necessity for his spouse to care for their children, medical debts, and the decline in real estate values, resulting in the foreclosure of his condominium. All of Applicant's SOR debts are now paid, are in current payment plans, or have been disputed and resolved.

He is communicating with his creditors and assures he intends to pay his debts. He understands the conduct required to retain his security clearance. 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 has established a "meaningful track record" of debt re-payment, and I am confident he will maintain his financial responsibility.⁵

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.

⁵The 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). 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 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.

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.v: For Applicant

Conclusion

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

MARK HARVEY
Administrative Judge