



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



In the matter of:

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ISCR Case No. 15-06017

Applicant for Security Clearance

**Appearances**

For Government: Nicole A. Smith, Esq., Department Counsel

For Applicant: *Pro se*

08/16/2017

**Decision**

HARVEY, Mark, Administrative Judge:

Applicant provided sufficient evidence of resolution of his financial issues, and financial considerations security concerns are mitigated. All of his delinquent debts are either paid or in established payment plans. Eligibility for access to classified information is granted.

**Statement of the Case**

On August 12, 2014, Applicant completed and signed his Questionnaire for National Security Positions (SF 86) or security clearance application (SCA). (Government Exhibit (GE) 1) On March 29, 2016, the Department of Defense (DOD) Consolidated Adjudications Facility (CAF) issued a statement of reasons (SOR) to Applicant under Executive Order (Exec. Or.) 10865, *Safeguarding Classified Information within Industry*, February 20, 1960; DOD Directive 5220.6, *Defense Industrial Personnel Security Clearance Review Program* (Directive), January 2, 1992; and the *Adjudicative Guidelines for Determining Eligibility for Access to Classified Information*, effective on September 1, 2006 (Sept. 1, 2006 AGs).

The SOR detailed reasons why the DOD CAF did not find under the Directive that it is clearly consistent with the interests of national security 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. Specifically, the SOR set forth security concerns arising under the financial considerations guideline.

On April 19, 2016, Applicant responded to the SOR. (HE 3) On June 17, 2016, Department Counsel was ready to proceed. On April 7, 2017, the case was assigned to me. On April 25, 2017, the Defense Office of Hearings and Appeals (DOHA) issued a notice of hearing, setting the hearing for May 9, 2017. (HE 1) Applicant waived his right to 15 days of notice of the date, time, and location of his hearing. (Tr. 15) Applicant's hearing was held as scheduled.

During the hearing, Department Counsel offered four exhibits; Applicant offered three exhibits; there were no objections; and all proffered exhibits were admitted into evidence. (Tr. 17-20; GE 1-4; Applicant Exhibits (AE) A-C) On May 17, 2017, DOHA received a copy of the hearing transcript. Applicant provided two post-hearing exhibits, which were admitted without objection. (AE D; AE E) The record closed on June 23, 2017.

While this case was pending a decision, the Director of National Intelligence (DNI) issued Security Executive Agent Directive 4, establishing in Appendix A the *National Security Adjudicative Guidelines for Determining Eligibility for Access to Classified Information or Eligibility to Hold a Sensitive Position* (AGs), which he made applicable to all covered individuals who require initial or continued eligibility for access to classified information or eligibility to hold a sensitive position. The new AGs supersede the Sept. 1, 2006 AGs and are effective "for all covered individuals" on or after June 8, 2017. Accordingly, I have evaluated Applicant's security clearance eligibility under the new AGs.<sup>1</sup>

### **Findings of Fact<sup>2</sup>**

In Applicant's SOR response, he admitted the SOR allegations in ¶¶ 1.b, 1.c, 1.f, 1.g, and 1.i. He denied the other SOR allegations, and he provided extenuating and mitigating information. Applicant's admissions are accepted as findings of fact. Additional findings of fact follow.

Applicant is 49 years old, and he has been employed as an administrative specialist for a DOD contractor from October 2012 to present. (Tr. 6, 22; GE 1) In 1986, he graduated from high school. (Tr. 7) In 2006, he received an associate's degree in information technology. (Tr. 7) He served in the Army on active duty from 1989 to 1991, and six years in the U.S. Army Reserve. (Tr. 8) He served in Southwest Asia for nine months in the first gulf war. (Tr. 8) His military occupational specialty (MOS) was forward observer. (Tr. 8)

In 1989, he married, and in 1995, he divorced. (Tr. 21-22; GE 1) In 1995, he married, and in 1999, he divorced. (Tr. 22; GE 1) In 2001, he married, and in 2006, he divorced. (Tr. 22; GE 1) In 2007, he married, and in 2011, he divorced. (Tr. 22; GE 1) His

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<sup>1</sup> Application of the AGs that were in effect as of the issuance of the SOR would not change my decision in this case. The new AGs are available at [http://ogc.osd.mil/doha/5220-6\\_R20170608.pdf](http://ogc.osd.mil/doha/5220-6_R20170608.pdf).

<sup>2</sup> Some details were excluded to protect Applicant's right to privacy. Specific information is available in the cited exhibits.

three children are ages 23, 24, and 25. (Tr. 9) None of his children live with Applicant. (Tr. 10)

## **Financial Considerations**

Applicant's current annual salary is \$66,000. (Tr. 23) He attributes his financial problems to paying child support, which at times was as much as \$1,200 monthly. (Tr. 24) Now that his child support debt is paid, he has a monthly remainder of about \$800. (Tr. 23) His only unemployment in the last seven years was for two months in 2009. (Tr. 30; AE A) His spouse threw Applicant's financial records away, and Applicant lost contact with his creditors. (Tr. 31) Applicant's SOR alleges 11 delinquent debts and their status is as follows:

SOR ¶ 1.a alleges delinquent child support for \$10,919. Applicant has been paying child support for more than 20 years. (Tr. 24) One of the mothers of his children moved from state N to state M, and she told state M that Applicant was not paying child support. (Tr. 25) Later she moved back to state N, and she said he was not paying child support. (Tr. 25) State N and State M were not communicating with each other about his child support statements. (Tr. 25-28) He missed some child support payments when he was unemployed. (Tr. 28) State M advised him that the arrearages would be placed at the end of his payment plan. (Tr. 28) Whenever he was employed, he made payments. (Tr. 28) He said all of his child support debts are paid, and he provided a state M document showing his child support debt was paid. (Tr. 26-29; AE A; AE D at 25-26) His credit report indicates his child support debt is paid, and his account is closed. (AE D at 45, 64-65)

SOR ¶¶ 1.b and 1.c allege delinquent student loan debts for \$4,583 and \$3,706. Applicant completed the rehabilitation payment period, and Applicant said he has been making \$142 monthly student loan payments for 30 months. (Tr. 30-32; SOR response) He provided documentation showing monthly payments averaging \$142 from December 2015 to May 2017. (AE D at 35, 37, 38; AE E) The current balance owed on his student loans is \$19,449. (AE E)

SOR ¶¶ 1.d and 1.f allege two delinquent medical debts for \$537 and \$70. Applicant established a payment plan to address his two medical debts. (Tr. 32-33) His balance owed on his medical account is zero. (AE C)

SOR ¶¶ 1.e, 1.i, and 1.j allege three delinquent telecommunications debts for \$362, \$159, and \$145. Applicant paid the telecommunications debts in SOR ¶¶ 1.e and 1.i. (Tr. 34, 40) His monthly payment on his telecommunications account is \$174. (AE D at 35, 37) He contacted the creditor in SOR ¶ 1.i, and the creditor was unable to locate the debt. (Tr. 40) The debt in SOR ¶ 1.i was dropped or removed from his credit report. (Tr. 40)

SOR ¶ 1.g alleges a judgment against Applicant for \$15,155. In 1998, Applicant's vehicle was voluntarily repossessed because he could not afford the monthly payments and the repair bills. (Tr. 35-37) In 2009, the creditor obtained a judgment. (Tr. 39) He owes \$6,897 on the judgment, and he has been paying \$50 to \$100 monthly to address the SOR ¶ 1.g debt since January 2014, and he has paid the creditor \$4,171. (Tr. 35, 39;

AE D at 40-41) He has been paying \$50-\$100 monthly to address a separate debt owed to the same creditor since January 2014, and the current balance is \$21,489. (AE D at 31-34, 36-39, 42-43) He has paid the creditor \$4,649 to address the \$21,489 debt. (AE D at 43)

SOR ¶ 1.h alleges a delinquent debt for \$241. Applicant did not recognize the creditor in the SOR, and he did not understand the source of the debt. (Tr. 39) The debt does not appear on his current credit report. (AE D)

SOR ¶ 1.k alleges Applicant owes delinquent federal income taxes for \$73,487 for tax years 2006 to 2012. The source for the information about owing \$73,487 for delinquent federal income taxes is Applicant's August 12, 2014 SCA. (GE 1) Applicant said he erroneously added up all of his debts and put that information on his SCA for taxes. (Tr. 45-46) The \$73,487 amount is incorrect. (SOR response) Applicant has made monthly payments to address his delinquent taxes for years. (Tr. 41) In 2013, Applicant used a high number of exemptions to avoid withholding federal income taxes from his pay, and he owed \$10,000 for that tax year. (Tr. 44) He used the extra monthly pay to help his former spouse with her debts. (Tr. 44)

For tax year 2015, he received a tax refund of \$1,981, which was transferred to address his tax debt for tax year 2007. (AE D at 2) For tax year 2014, he received a tax refund of \$1,044, which was transferred to address his tax debt for tax year 2007. (AE D at 3) For tax year 2016, he received a tax refund of \$1,303, which was transferred to resolve his tax debt for tax year 2007. (AE D at 1) Applicant's tax debts for tax year 2007 are resolved.

Applicant did not timely file his tax return for tax year 2013 because he filed it on August 18, 2015. (AE D at 4) He withheld \$587 for tax year 2013, and his tax due was \$7,700. (AE D at 4) His penalty was \$1,600. (AE D at 4) The remainder of his refund for tax year 2016, which was \$1,090, was paid to address his tax debt for tax year 2013.

As of March 15, 2017, Applicant owes the federal government: \$133 for tax year 2008; \$1,690 for tax year 2011; \$907 for tax year 2012; and \$10,931 for tax year 2013. (Tr. 40-41; AE B at 2) He has an established IRS payment plan, and he pays \$275 monthly to address his federal income tax debt. (Tr. 45, 47; AE D at 3, 31, 36-38) On April 20, 2016, his total federal income tax debt was \$19,806, and in March 2017, his total federal income tax debt was \$13,660. (SOR response; AE D at 2-3)

Applicant has never received financial counseling. (Tr. 51) His July 7, 2015 credit report shows the four delinquent accounts in SOR ¶¶ 1.a, 1.b, 1.c, and 1.g. (GE 3) His May 2017 credit reports do not show any negative entries. (AE D) His credit score is in the mid-600s, and his rating is "fair." (AE D)

## **Policies**

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

“no one has a ‘right’ to a security clearance.” *Department of the Navy v. Egan*, 484 U.S. 518, 528 (1988). As Commander in Chief, the President has the authority to control access to information bearing on national security and to determine whether an individual is sufficiently trustworthy to have access to such information.” *Id.* at 527. The President has authorized the Secretary of Defense or his designee to grant applicant’s eligibility for access to classified information “only upon a finding that it is clearly consistent with the national interest to do so.” Exec. Or. 10865.

Eligibility for a security clearance is predicated upon the applicant meeting the criteria contained in the adjudicative guidelines. These guidelines are not inflexible rules of law. Instead, recognizing the complexities of human behavior, these guidelines are applied in conjunction with an evaluation of the whole person. An administrative judge’s overarching adjudicative goal is a fair, impartial, and commonsense decision. An administrative judge must consider all available, reliable information about the person, past and present, favorable and unfavorable.

The Government reposes a high degree of trust and confidence in persons with access to classified information. This relationship transcends normal duty hours and endures throughout off-duty hours. Decisions include, by necessity, consideration of the possible risk the applicant may deliberately or inadvertently fail to safeguard classified information. Such decisions entail a certain degree of legally permissible extrapolation about potential, rather than actual, risk of compromise of classified information. Clearance decisions must be “in terms of the national interest and shall in no sense be a determination as to the loyalty of the applicant concerned.” See Exec. Or. 10865 § 7. Thus, nothing in this decision should be construed to suggest that 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, Secretary of Defense, and DNI 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 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 or sensitive information. . . . An individual who is financially overextended is at greater risk of having to engage in illegal or otherwise questionable acts to generate funds. . . .

The Appeal Board explained the scope and rationale for the financial considerations security concern in ISCR Case No. 11-05365 at 3 (App. Bd. May 1, 2012) (citation omitted) as follows:

This concern is broader than the possibility that an applicant might knowingly compromise classified information in order to raise money in satisfaction of his or her debts. Rather, it requires a Judge to examine the totality of an applicant's financial history and circumstances. The Judge must consider pertinent evidence regarding the applicant's self-control, judgment, and other qualities essential to protecting the national secrets as well as the vulnerabilities inherent in the circumstances. The Directive presumes a nexus between proven conduct under any of the Guidelines and an applicant's security eligibility.

AG ¶ 19 includes four disqualifying conditions that could raise a security concern and may be disqualifying in this case: "(a) inability to satisfy debts;" "(b) unwillingness to satisfy debts regardless of the ability to do so;" "(c) a history of not meeting financial obligations;" and "(f) failure to file or fraudulently filing annual Federal, state, or local income tax returns or failure to pay annual Federal, state, or local income tax as required." 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). The record establishes the disqualifying conditions in AG ¶¶ 19(a), 19(b), 19(c), and 19(f) requiring additional inquiry about the possible applicability of mitigating conditions.

Six financial considerations mitigating conditions under AG ¶ 20 are potentially applicable in this case:

- (a) the behavior happened so long ago,<sup>3</sup> 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, a death, divorce or separation, clear victimization by predatory lending practices, or identity theft), and the individual acted responsibly under the circumstances;
- (c) the individual has received or is receiving financial counseling for the problem from a legitimate and credible source, such as a non-profit credit counseling service, and there are clear indications that the problem is being resolved or is under control;
- (d) the individual initiated and is adhering to a good-faith effort to repay overdue creditors or otherwise resolve debts;<sup>4</sup>
- (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; and
- (g) the individual has made arrangements with the appropriate tax authority to file or pay the amount owed and is in compliance with those arrangements.

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<sup>3</sup> A debt that became delinquent several years ago is still considered recent because "an applicant's ongoing, unpaid debts evidence a continuing course of conduct and, therefore, can be viewed as recent for purposes of the Guideline F mitigating conditions." ISCR Case No. 15-06532 at 3 (App. Bd. February 16, 2017) (citing ISCR Case No. 15-01690 at 2 (App. Bd. Sep. 13, 2016)).

<sup>4</sup> 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) 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)).

The DOHA 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(d), and 20(g) apply. In the last three years, Applicant paid his child support debt, brought his student loans to current status, and reduced his federal income tax debt by one third. He paid more than \$20,000 to address his SOR debts in three years. All of his debts are resolved except for SOR ¶¶ 1.b, 1.c, 1.g, and 1.k, which total about \$40,000 and are in established payment plans. His \$13,660 tax debt is in an established payment plan agreeable to the IRS. He gave his highest priority to paying his child support debt. When he paid off his child support debt, he had additional funds available to pay his other debts.

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(d):

(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), “[t]he ultimate determination” of whether to grant a security clearance “must be an overall commonsense judgment based upon careful consideration of the guidelines” and the whole-person concept. My comments under Guideline F are incorporated in my whole-person analysis. Some of the factors in AG ¶ 2(d) were addressed under that guideline but some warrant additional comment.

Applicant is 49 years old, and he has been employed as an administrative specialist for a DOD contractor from October 2012 to present. In 2006, he received an associate’s degree in information technology. He served in the Army on active duty from 1989 to 1991, and six years in the U.S. Army Reserve. He served in Southwest Asia for nine months in the first gulf war. In 2007, he married, and in 2011, he divorced.

Applicant’s delinquent debts were caused by his inability to pay his debts and keep his child support payments current. In 2013, he gave a higher priority to his former spouse’s debts, and he made a poor decision not to pay his taxes. Under security clearance law, debts owed to the federal Government must be given priority over personal debts.<sup>5</sup> All of Applicant’s SOR debts are now paid or are in current payment plans. 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

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<sup>5</sup> In ISCR Case No. 14-05476 (App. Bd. Mar. 25, 2016) the Appeal Board reversed a grant of a security clearance for a retired E-9 and cited applicant’s failure to timely file state tax returns for tax years 2010 through 2013 and federal returns for tax years 2010 through 2012. Before his hearing, he filed his tax returns and paid his tax debts except for \$13,000, which was in an established payment plan. The Appeal Board highlighted his annual income of over \$200,000 and discounted his non-tax expenses, contributions to DOD, payments for his son’s educations, and spouse’s medical problems. The Appeal Board emphasized “the allegations regarding his failure to file tax returns in the first place stating, it is well settled that failure to file tax returns suggest that an applicant has a problem with complying with well-established government rules and systems. Voluntary compliance with such rules and systems is essential for protecting classified information.” *Id.* at 5 (citing ISCR Case No. 01-05340 at 3 (App. Bd. Dec. 20, 2002) (internal quotation marks and brackets omitted). ISCR Case No. 14-05476 is different from Applicant’s case: Applicant was late filing only one tax return; Applicant’s income is much less; under bankruptcy law, Applicant’s child support payments are given priority; and Applicant has a longer sustained track record of making his debt payments.

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.<sup>6</sup>

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 security concerns are mitigated.

### **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.k: For Applicant

### **Conclusion**

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

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Mark Harvey  
Administrative Judge

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<sup>6</sup>The 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.