



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



In the matter of:

Applicant for Security Clearance

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ISCR Case No. 16-02703

**Appearances**

For Government: Julie R. Mendez, Esq., Deputy Chief Department Counsel  
For Applicant: Kristan A. Siegwart, Esq.<sup>1</sup>

12/28/2017

**Decision**

HARVEY, Mark, Administrative Judge:

Applicant's statement of reasons (SOR) alleges 19 delinquent debts totaling \$62,208. She has 13 student loans in established payment plans. She successfully disputed three debts, and she paid three debts. She made sufficient progress towards resolution of her financial issues. Financial considerations security concerns are mitigated. Eligibility for access to classified information is granted.

**Statement of the Case**

On June 26, 2015, Applicant signed a Questionnaire for National Security Positions (SF 86) or security clearance application (SCA). Government Exhibit (GE) 1. On October 11, 2016, the Department of Defense (DOD) Consolidated Adjudications Facility (CAF) issued an 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. Hearing Exhibit (HE) 2. The SOR set forth security concerns arising under the financial considerations guideline. HE 2.

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<sup>1</sup> On October 27, 2017, Ms. Siegwart advised that she is no longer representing Applicant.

On November 1, 2016, Applicant provided a response to the SOR, and she requested a hearing. HE 3. On January 4, 2017, Department Counsel was ready to proceed. On July 19, 2017, the case was assigned to me. On August 10, 2017, the Defense Office of Hearings and Appeals (DOHA) issued a notice of hearing, setting the hearing for September 18, 2017. HE 1. Applicant's hearing was held as scheduled.

During the hearing, Department Counsel offered 4 exhibits; Applicant offered 14 exhibits; there were no objections; and all proffered exhibits were admitted into evidence. Tr. 11-12; GE 1-4; Applicant Exhibits (AE) A-N. On September 26, 2017, DOHA received a copy of the hearing transcript. On November 15, 2017, Applicant provided three exhibits, which were admitted into evidence without objection. AE O-Q. The record closed on November 20, 2017. Tr. 82.

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 on or after June 8, 2017. The new AGs supersede the previous AGs. Accordingly, I have evaluated Applicant's security clearance eligibility under the new AGs.<sup>2</sup>

### **Findings of Fact<sup>3</sup>**

In Applicant's SOR response, she admitted she was responsible for the debts in SOR ¶¶ 1.b through 1.o and 1.s. HE 3. She denied responsibility for the debts in SOR ¶¶ 1.a, 1.p, 1.q, and 1.r. HE 3. She also provided extenuating and mitigating information. HE 3.

Applicant is 40 years old, and she has been employed as an office manager for a government contractor for two years. Tr. 16, 55; GE 1. From 1998 to 2003, Applicant was married, and in 2012, she married her current spouse. GE 1. She has three children, who are ages 3, 15, and 18. Tr. 15; GE 1. Her husband is a civilian employee of the U.S. Army. Tr. 79.

Applicant served in the Marine Corps Reserve from 1996 to 2000 and in the Army National Guard or Reserve from 2005 to 2011. Tr. 16; GE 1. She attended college from 2004 to 2007. Tr. 44; GE 1. She received honorable discharges from each of her enlistments. GE 1. In 2007, Applicant received a bachelor's degree in health education and promotion. Tr. 14, 44. There is no evidence of security violations, abuse of alcohol, or use of illegal drugs.

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<sup>2</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/SEAD4\\_20170608.pdf](http://ogc.osd.mil/doha/SEAD4_20170608.pdf).

<sup>3</sup> Some details were excluded to protect Applicant's right to privacy. Specific information is available in the cited exhibits.

## Financial Considerations

After Applicant's divorce in 2003, Applicant's former husband was abusive when it came to custody of and visitation with their children. Tr. 46. The state relocated Applicant and her children to a different state because of his threats. Tr. 47-51. From 2005 to 2010, Applicant and her former spouse were engaged in a bitter, litigious, and expensive legal battle over custody and visitation involving their children. Tr. 48-51, 76. Her income for several years was limited because of unemployment or underemployment. Tr. 53-55, 78-79. She has been educated about finances and maintaining a budget. Tr. 57.

The SOR alleges 19 delinquent debts totaling \$62,208, and the record establishes the status of Applicant's accounts as follows:

SOR ¶ 1.a alleges a charged-off bank debt for \$12,358. Applicant's July 6, 2016 credit report indicates the debt is a real estate debt, and the creditor initiated foreclosure. AE A. The debt was the second mortgage on her rental property. Tr. 62. A tenant rented the property for several months, and then it became vacant. Tr. 63-64. Her attempt to sell the property was unsuccessful in part because of the decline in real estate values. Tr. 64-66. Applicant believes the debt was resolved through foreclosure. Tr. 18-21, 65-66. On September 13, 2017, Applicant wrote the creditor seeking information about this debt. AE A. Applicant wrote the creditor stating that she believed the debt was resolved through foreclosure; she had not received any notice of a deficiency; and she wanted information about the status of the debt. AE A. The creditor responded, stating that the most recent information on the account was on August 1, 2010; the principal balance was zero; and the suspense balance was zero. AE A. The creditor did not request any payments; however, if the creditor seeks payments, Applicant promised to pay this debt. Tr. 21.

SOR ¶¶ 1.b, 1.e through 1.i, 1.k, 1.l, and 1.n allege nine state student-loan debts owed to the same creditor that were placed for collection for \$12,328, \$5,631, \$4,007, \$3,128, \$3,034, \$3,010, \$1,993, \$1,880, and \$1,310. From September 2016 to July 2017, she made \$200 monthly payments to the creditor. Tr. 67-69; AE B. On July 26, 2017, after an assessment of Applicant's income, the creditor and Applicant agreed on a \$721 monthly payment plan to address a \$45,297 balance owed. Tr. 31-34. On July 27, 2017, August 23, 2017, September 22, 2017, and October 23, 2017, Applicant paid \$721 to the creditor. AE C; AE O. Applicant is paying this debt using automatic payments from her bank account. Tr. 32.

SOR ¶¶ 1.c, 1.d, 1.j, and 1.m allege four state student-loan debts 180 days past due, which are owed to the same creditor for \$9,389, \$1,074, \$283, and \$186. From August to December 2016, Applicant made five \$200 payments. Tr. 67-69; SOR response at 8-9. Applicant established a \$582 monthly payment plan, and made \$582 payments on September 26, 2017, and October 26, 2017. Tr. 34-44; AE P. The current balance owed is about \$25,000. Tr. 78. Applicant is paying the debt using automatic payments from her bank account. Tr. 36.

SOR ¶ 1.o alleges a student-loan debt placed for collection for \$1,097. From August to October 2016, Applicant paid the student loan creditor \$1,591. Tr. 21-23; SOR

response at 11. On November 30, 2016, the creditor wrote the debt was paid, and the balance owed is zero. SOR response at 10.

SOR ¶ 1.p alleges a telecommunications charged-off debt for \$380. Applicant said she currently has an account with the same telecommunications creditor, and her account is current. SOR response. She filed a dispute with the creditor, and on September 16, 2017, the creditor responded that Applicant was not responsible for the charges on the account. Tr. 29-30; AE F. Because the account appeared to be the result of identity theft, Applicant filed a police report with her local police department. Tr. 30; AE I.

SOR ¶ 1.q alleges a debt placed for collection for \$578. On September 12, 2017, Applicant paid this debt. Tr. 27-28. On September 14, 2017, the creditor wrote acknowledging receipt of payment and promising to notify credit-reporting companies that the account should be removed from her credit reports. Tr. 27-28; AE G.

SOR ¶ 1.r alleges a debt placed for collection for \$447. Applicant did not recognize the creditor. SOR response. The creditor has not contacted Applicant. SOR response. Applicant was unable to contact the collection agent because the collection agent had gone out of business. Tr. 23. Applicant asked the original creditor to verify the account, and the original creditor sent an email to Applicant advising her that the debt could not be located. Tr. 23-24; AE H.

SOR ¶ 1.s alleges a medical debt placed for collection for \$95. On October 31, 2016, Applicant paid this debt. Tr. 24-26; SOR response at 12.

Applicant files her tax returns on time, and her taxes are current. Tr. 75. Her personal financial statement (PFS) indicates her monthly gross salary is \$8,000, her monthly net income is \$6,936, and her monthly net remainder is \$2,868. AE Q. She has budgeted monthly student loan payments of \$1,303 on her PFS. AE Q. Her PFS did not include her husband's income, expenses, or debts.

## **Character Evidence**

Applicant provided four character statements from friends and coworkers. AE J-AE M. The general sense of the statements is that Applicant is diligent, helpful, loyal, reliable, competent, honest, and professional. She makes important contributions to mission accomplishment.

## **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, 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. Sept. 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 two disqualifying conditions that could raise a security concern and may be disqualifying in this case: "(a) inability 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). The record establishes the disqualifying conditions in AG ¶¶ 19(a) and 19(c) requiring additional inquiry about the possible applicability of mitigating conditions.

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

- (a) the behavior happened so long ago,<sup>4</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; and
- (e) the individual has a reasonable basis to dispute the legitimacy of the past-due debt which is the cause of the problem and provides documented proof to substantiate the basis of the dispute or provides evidence of actions to resolve the issue.

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).

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<sup>4</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. Feb. 16, 2017) (citing ISCR Case No. 15-01690 at 2 (App. Bd. Sept. 13, 2016)).

AG ¶¶ 20(a), 20(b), 20(d), and 20(e) apply. AG ¶ 20(c) partially applies. Applicant's finances were harmed by her divorce, legal expenses in her custody litigation, vacancy of her rental property, decline in real estate values, unemployment, and underemployment. These circumstances are partially or fully beyond her control. She received some financial counseling, and she generated a budget that includes payments to the SOR student-loan creditors.

The SOR alleges 19 delinquent debts totaling \$62,208. She has 13 student loans in established payment plans; she successfully disputed 3 debts; and she paid 3 debts.

In ISCR Case No. 08-06567 at 3 (App. Bd. Oct. 29, 2009) the Appeal Board addressed a situation where an applicant was sporadically unemployed and lacked the ability to pay her creditors. The Appeal Board noted "it will be a long time at best before she has paid" all of her creditors. The applicant was living on unemployment compensation at the time of her hearing. The Appeal Board explained that such a circumstance was not necessarily a bar to having access to classified information stating:

However, the Board has previously noted that an applicant is not required to be debt-free nor to develop a plan for paying off all debts immediately or simultaneously. All that is required is that an applicant act responsibly given his [or her] circumstances and develop a reasonable plan for repayment, accompanied by "concomitant conduct," that is, actions which evidence a serious intent to effectuate the plan. See ISCR Case No. 07-06482 at 3 (App. Bd. May 21, 2008).

ISCR Case No. 08-06567 at 3 (App. Bd. Oct. 29, 2009). The applicant in ISCR Case No. 08-06567 used his limited resources to (1) resolve some of his debts; (2) had a repayment plan for the remaining debts; and (3) took "reasonable actions to effectuate that plan." *Id.* The Appeal Board remanded the Administrative Judge's decision because it did not "articulate a satisfactory explanation for his conclusions," emphasizing the Administrative Judge did "not explain[] what he believes that applicant could or should have done under the circumstances that he has not already done to rectify his poor financial condition, or why the approach taken by applicant was not 'responsible' in light of his limited circumstances." *Id.*

Applicant acted responsibly by paying 3 debts and establishing payment plans for 13 debts. Although there is limited evidence of record that she established and maintained contact with her creditors,<sup>5</sup> her financial problem is being resolved and is under control.

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<sup>5</sup> "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.



Applicant admitted responsibility for and took reasonable and responsible actions to resolve her debts, establishing some good faith.<sup>6</sup> Based on Applicant's credible and sincere promise to pay her debts and her track record of paying them, future new delinquent debt "is unlikely to recur and does not cast doubt on [Applicant's] current reliability, trustworthiness, or good judgment." "[T]here are clear indications that the problem is being resolved or is under control." Applicant assures she will conscientiously endeavor to maintain her financial responsibility. She has sufficient income to resolve her remaining debts. Her 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 40 years old, and a government contractor has employed her as an office manager for a government contractor for two years. In 2012, she married her

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<sup>6</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)).

current spouse, and she has three children, who are ages 3, 15, and 18. She served in the Marine Corps Reserve from 1996 to 2000 and in the Army National Guard or Reserve from 2005 to 2011. She received honorable discharges from each of her enlistments. In 2007, Applicant received a bachelor's degree in health education and promotion.

Applicant provided four character statements from friends and coworkers. The consensus of the statements is that Applicant is diligent, helpful, loyal, reliable, competent, honest, and professional. She makes important contributions to mission accomplishment. There is no evidence of security violations, abuse of alcohol, or use of illegal drugs.

Applicant's financial problems were caused by several circumstances partially or fully beyond her control. The SOR alleges 19 delinquent debts totaling \$62,208. She successfully disputed 3 debts; she paid 3 debts; and she has established payment plans to address her 13 student-loan debts totaling \$70,297. 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). She understands what she needs to do to establish and maintain her financial responsibility. She took reasonable actions under her particular financial circumstances to address her delinquent debts. Applicant has established a "meaningful track record" of debt re-payment, and she assures she will maintain her financial responsibility.<sup>7</sup>

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<sup>7</sup> Failure to maintain financial responsibility may raise a security concern. 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

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. I conclude that 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.s: 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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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 granting Applicant's security clearance is conditional.