		Date: July 20, 2022
In the matter of:)	
)	ISCR Case No. 20-00897
Applicant for Security Clearance)	

APPEAL BOARD DECISION

APPEARANCES

FOR GOVERNMENT

James B. Norman, Esq., Chief Department Counsel

FOR APPLICANT Pro se

The Department of Defense (DoD) declined to grant Applicant a security clearance. On September 11, 2020, DoD issued a statement of reasons (SOR) advising Applicant of the basis for that decision—security concerns raised under Guideline F (Financial Considerations) of DoD Directive 5220.6 (January 2, 1992, as amended) (Directive). Applicant requested a hearing. On May 27, 2022, after close of the record, Defense Office of Hearings and Appeals (DOHA) Administrative Judge Robert E. Coacher denied Applicant's request for a security clearance. Applicant appealed pursuant to Directive ¶¶ E3.1.28 and E3.1.30. For reasons stated below, we affirm the decision.

The SOR alleged that Applicant had eight delinquent debts totaling a little over \$40,000. The Judge found against Applicant on six of those debts. The Judge's favorable findings were not raised as an issue on appeal.

Applicant's appeal brief contains two credit reports that postdate the Judge's decision. He also makes assertions that were not presented to the Judge for consideration. Those credit reports and assertions constitute new evidence that the Board is prohibited from considering. Directive ¶

E3.1.29. In general, Applicant's appeal arguments are unpersuasive because they are primarily based on matters the Board cannot consider.

Applicant highlights that certain debts no longer appear on his recent credit report and argues another debt is resolved because it has been charged off. These arguments fail to identify any harmful error. A Judge could reasonably conclude that a charged-off debt remains an ongoing financial problem. *See*, *e.g.*, ISCR Case No. 17-00683 at 1-2 (App. Bd. Oct. 19, 2018). Moreover, the fact that a debt no longer appears on a credit report does not establish any meaningful evidence as to the disposition of that debt. *Id.* Overall, Applicant's arguments amount to a disagreement with the Judge's weighing of the evidence and are insufficient to establish that the Judge weighed the evidence in manner that was arbitrary, capricious, or contrary to law. Directive ¶ E3.1.32.3.

The Judge examined the relevant evidence and articulated a satisfactory explanation for the decision. The decision is sustainable on the record. "The general standard is that a clearance may be granted only when 'clearly consistent with national security." *Department of the Navy v. Egan*, 484 U.S. 518, 528 (1988). *See also*, Directive, Encl. 2, App. A \P 2(b): "Any doubt concerning personnel being considered for national security eligibility will be resolved in favor of national security."

Order

The decision is **AFFIRMED**.

Signed: James F. Duffy
James F. Duffy
Administrative Judge
Chairperson, Appeal Board

Signed: Jennifer I. Goldstein Jennifer I. Goldstein Administrative Judge Member, Appeal Board

Signed: Moira Modzelewski Moira Modzelewski Administrative Judge Member, Appeal Board