

KEYWORD: Guideline F

DIGEST: To the extent that she is arguing that the Judge failed properly to weigh the evidence, we conclude that Applicant has not shown that the Judge weighed the evidence in a manner that was arbitrary, capricious, or contrary to law. Adverse decision affirmed.

CASENO: 18-00817.a1

DATE: 01/07/2019

DATE: January 7, 2019

_____)	
In Re:)	
)	
-----)	ISCR Case No. 18-00817
)	
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 April 19, 2018, DoD issued a statement of reasons (SOR) advising Applicant of the basis for that decision—security concerns raised under Guideline F (Financial Considerations) of Department of Defense Directive 5220.6 (Jan. 2, 1992, as amended) (Directive). Applicant requested a decision on the written record. On October 9, 2018, after considering the record, Defense Office of Hearings and Appeals (DOHA) Administrative Judge Matthew E. Malone denied Applicant’s request for a security clearance. Applicant appealed pursuant to Directive ¶¶ E3.1.28 and E3.1.30.

The Judge found that Applicant had a substantial number of delinquent debts, most of which were for student loans. The Judge resolved the loans in Applicant’s favor, although he found against her on other allegations, which were for a medical expense and for various collection accounts. Applicant’s brief includes a substantial amount of information from outside the record, which we cannot consider. Directive ¶ E3.1.29. She cites to various personal circumstances that affected her financial problems and contends that her debts do not reflect poorly upon her character. To the extent that she is arguing that the Judge failed properly to weigh the evidence, we conclude that Applicant has not shown that the Judge weighed the evidence in a manner that was arbitrary, capricious, or contrary to law. *See, e.g.*, ISCR Case No. 17-02463 at 2 (App. Bd. Sep. 10, 2018).

She also notes that she does not have any sort of problem with alcohol abuse, gambling, mental health issues, etc. She appears to be referring to Directive, Encl. 2, App. A ¶ 18, which is quoted in the SOR and in the Decision. This paragraph states, among other things, that financial distress can be caused or exacerbated by other issues of security concern, such as those difficulties that Applicant mentions in her brief. However, that aspect of the Guideline F security concern was not raised in Applicant’s case. As she states, there is nothing in the record to suggest that she abuses alcohol, gambles, or has mental health difficulties. Rather, the aspect of the concern that the Judge discussed was that Applicant’s apparent inability to satisfy debts and her history of not meeting financial problems raised questions about her judgement and reliability.¹ This was reasonable, in light of the record that was before him. We find no error in the Judge’s treatment of the disqualifying conditions.

The record supports a conclusion that the Judge examined the relevant data and articulated a satisfactory explanation for the decision, “including a ‘rational connection between the facts found and the choice made.’” *Motor Vehicle Mfrs. Ass’n of the United States v. State Farm Mut. Auto. Ins. Co.*, 463 U.S. 29, 43 (1983)(quoting *Burlington Truck Lines, Inc. v. United States*, 371 U.S. 156, 168 (1962)). The Judge’s adverse decision is sustainable on this record. “The general standard is that a clearance may be granted only when ‘clearly consistent with the interests of the national security.’” *Department of the Navy v. Egan*, 484 U.S. 518, 528 (1988). *See also* Directive, Encl. 2, App. A ¶ 2(b): “Any doubt concerning personnel being considered for national security eligibility will be resolved in favor of the national security.”

¹See Directive, Encl. 2, App. A ¶ 19(a) and (c).

Order

The Decision is **AFFIRMED**.

Signed: James E. Moody
James E. Moody
Administrative Judge
Chairperson, Appeal Board

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

Signed: Charles C. Hale
Charles C. Hale
Administrative Judge
Member, Appeal Board