

KEYWORD: Guideline F; Guideline I

DIGEST: In late 2017, DoD requested a psychological evaluation of Applicant. The psychologist determined that Applicant met the criteria for Bipolar Disorder, most recent episode depression, in partial remission; Alcohol Use Disorder, Severe, in remission; Cannabis Use Disorder, Mild; and Social Anxiety Disorder (with associated panic attacks). The psychologist noted Applicant was evasive in reporting his past use of alcohol and marijuana. Applicant has not challenged any of the Judge’s specific findings of fact. His arguments amount to a disagreement with the Judge’s weighing of the evidence and are not sufficient to demonstrate the Judge weighed the evidence in an manner that was arbitrary, capricious, or contrary to law. Adverse decision affirmed.

CASENO: 18-01226.a1

DATE: 08/01/2019

DATE: August 1, 2019

In Re:	)	
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	)	
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	)	
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 26, 2018, DoD issued a statement of reasons (SOR) advising Applicant of the basis for that decision—security concerns raised under Guideline I (Psychological Conditions) and Guideline F (Financial Considerations) of Department of Defense Directive 5220.6 (Jan. 2, 1992, as amended) (Directive). Applicant requested a hearing. On May 28, 2019, after the hearing, Defense Office of Hearings and Appeals (DOHA) Administrative Judge Pamela C. Benson denied Applicant’s request for a security clearance. Applicant appealed pursuant to Directive ¶¶ E3.1.28 and E3.1.30.

Applicant raised the following issue on appeal: whether the Judge’s adverse decision was arbitrary, capricious, or contrary to law. Consistent with the following, we affirm.

### **The Judge’s Findings of Fact and Analysis**

Applicant, who is in his mid-30s, has worked for a defense contractor for over the past four years. Starting in 1999, he was hospitalized multiple times for suicidal ideation and manic behavior. He contends that his parents forced him into the hospital against his will, which caused him emotional distress. In the mid-2000s, he was treated for Bipolar Disorder, General Anxiety Disorder, and Severe Psychotic Tendencies. Soon thereafter, he stopped all medications and counseling and sought “alternative treatments.” Decision at 3-4. In 2010, he was contemplating suicide and sought assistance. He was diagnosed with Bipolar Disorder; Psychotic Disorder, Not Otherwise Specified; Generalized Anxiety Disorder; Social Phobia; Alcohol Dependence; Cannabis Dependence; and Polysubstance Dependence.

In late 2017, DoD requested a psychological evaluation of Applicant. The psychologist determined that Applicant met the criteria for Bipolar Disorder, most recent episode depression, in partial remission; Alcohol Use Disorder, Severe, in remission; Cannabis Use Disorder, Mild; and Social Anxiety Disorder (with associated panic attacks). The psychologist noted Applicant was evasive in reporting his past use of alcohol and marijuana. Applicant’s treatment records noted a history of paranoia, visual hallucinations, and delusional and disorganized thinking. The psychologist concluded that Applicant’s mental health status appears to negatively impact his judgment and trustworthiness and, if his mental health symptoms were to reemerge, his stability and reliability would also be negatively impacted. He has not received professional treatment or prescribed medications for his diagnosed mental health conditions since about 2011. None of the mitigating conditions fully apply to the Guideline I allegations.

The SOR also alleged that Applicant had defaulted on four student loans totaling about \$23,000 and had five other delinquent debts totaling about \$3,000. Applicant attributed his financial problems to being a single parent, medical expenses arising from a back injury, and the absence of financial aid during his last semester of college. He made a few payments on the student loans, but admitted he has not recently made any payment toward them. The alleged debts remain unresolved. None of the mitigating conditions fully apply to the Guideline F allegations.

### **Discussion**

Applicant contends that the Judge’s decision is flawed. He argues that his brief periods of instability were due to extenuating circumstances beyond his control, that his guardians forced him

into psychiatric treatment against his will, and that, since his last hospitalization about 15 years ago, he has proven his stability and his ability to make intuitive and reasonable decisions. He contends that he terminated his treatment because he no longer needed it and that he is being discriminated against because of his previous psychiatric history. He further argues that it is a mistake to use his student loans as a reason for denying his security clearance because he is not the only employee of a defense contractor with such debt. We do not find his arguments persuasive.

Applicant has not challenged any of the Judge's specific findings of fact. His arguments amount to a disagreement with the Judge's weighing of the evidence and are not sufficient to demonstrate the Judge weighed the evidence in a manner that was arbitrary, capricious, or contrary to law. *See, e.g.*, ISCR 15-08684 at 2 (App. Bd. Nov. 22, 2017). His argument that other defense contractor employees have delinquent student loans warrants no remedial action because each security clearance adjudication must be judged on its own merits. Directive, Encl. 2, App. A ¶ 2(b). In short, Applicant has failed to establish that the Judge committed any harmful error.

The Judge examined the relevant evidence and articulated a satisfactory explanation for the decision. The 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."

**Order**

The Decision is **AFFIRMED**.

Signed: Michael Ra'anan  
Michael Ra'anan  
Administrative Judge  
Chairperson, Appeal Board

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

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