

KEYWORD: Guideline F

DIGEST: As the Board has previously stated, it is reasonable for the Judge to expect applicants to present documentation showing that debts have been resolved or are being resolved. The Judge's conclusion that Applicant presented scant documentation of her efforts to resolve the alleged debts is sustainable. Adverse decision affirmed.

CASENO: 18-01716

DATE: 11/01/2019

DATE: November 1, 2019

|   |                                 |                        |
|---|---------------------------------|------------------------|
| In Re:<br><br>-----<br><br>Applicant for Security Clearance | )<br>)<br>)<br>)<br>)<br>)<br>) | ISCR Case No. 18-01716 |
|---|---------------------------------|------------------------|

**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 July 6, 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 hearing. On July 30, 2019, after the hearing, Administrative Judge Arthur E. Marshall, Jr., denied Applicant's request for a security clearance. Applicant appealed pursuant to Directive ¶¶ E3.1.28 and E3.1.30.

The SOR alleged that Applicant had 12 delinquent debts totaling about \$36,000. She indicated that she was working with her known creditors but provided no documentation corroborating those efforts. She admitted she has made little progress due to a lack of financial resources. "After three months of unemployment in mid-2009, she started a job earning about \$45,000 and has received incremental salary increases ever since." Decision at 2. She has been in her current position for over two years, and her annual salary recently increased from \$105,000 to \$115,000. The Judge found in favor of Applicant on four of the alleged debts and against her on the remaining ones.

In her appeal brief, Applicant contends that her periods of unemployment totaled approximately one year and were the cause of her financial problems. Information in the record reflects that she experienced periods of unemployment greater than the Judge found. Her security clearance application and personal subject interview reflect that she experienced seven periods of unemployment between 2009 and 2016 totaling about 21 months. Although the Judge may have erred in his finding regarding the scope of Applicant's unemployment, this constituted a harmless error because it did not likely affect the outcome of the case. *See, e.g.*, ISCR Case No. 12-00678 at 2 (App. Bd. Jun. 13, 2014).

Applicant also contends that all of her "current credit accounts and car payments have been consistently paid on time since 2016" and that she is adhering to payment arrangements with a number of the creditors Appeal Brief at 1. As the Board has previously stated, it is reasonable for the Judge to expect applicants to present documentation showing that debts have been resolved or are being resolved. *See, e.g.*, ISCR Case No. 17-00893 at 3 (App. Bd. May 9, 2019). The Judge's conclusion that Applicant presented scant documentation of her efforts to resolve the alleged debts is sustainable.

Applicant's remaining arguments amount to a disagreement with the Judge's weighing of the evidence. She argues, for example, that she is an extremely responsible and trustworthy individual. These arguments, however, are not sufficient to show that the Judge weighed the evidence in a manner that was arbitrary, capricious, or contrary to law. *See, e.g.*, ISCR Case No. 15-08684 at 2 (App. Bd. Nov. 22, 2017).

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