

KEYWORD: Guideline F

DIGEST: Applicant does not challenge the Judge’s adverse findings and conclusion regarding the consumer debts, which are sufficient independently to support the unfavorable security clearance decision. Because Applicant has not made an allegation of error regarding the consumer debts, the decision of the Judge denying Applicant a security clearance is affirmed. Adverse decision affirmed.

CASENO: 18-01764.a1

DATE: 06/04/2019

DATE: June 4, 2019

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| In Re: |) | |
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| ----- |) | ISCR Case No. 18-01764 |
| |) | |
| 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 July 3, 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 February 28, 2019, after considering the record, 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.

As best as we can discern, Applicant is claiming that he submitted a response to Department Counsel’s File of Relevant Material (FORM) that did not make it into the record. In doing so, he makes assertions from outside the record, which we normally cannot consider. Directive ¶ E3.1.29. However, we will consider new evidence insofar as it bears on the threshold issues of jurisdiction and due process. In his argument, he cites to a U.S. Postal Service tracking number that is insufficient on this record to substantiate his claim that he submitted documents in November 2018. He contends those documents showed he had a zero-dollar student loan balance. From the matters submitted, Applicant has failed to make a *prima facie* showing that he was denied due process. *See, e.g.* ISCR Case No. 15-02933 at 2 (App. Bd. Sep. 23, 2016).

In the decision, the Judge noted that the SOR alleged five delinquent student loans. The Judge found for Applicant on two of the student loans as well as for him on two state tax liens and a child support debt. Regarding the Judge’s favorable student loans findings, Applicant had provided in his SOR response a document from the creditor reflecting that he had no delinquency balance on those accounts as of September 19, 2018. FORM Item 1. The Judge found against Applicant on the remaining three student loans and nine other debts, which included almost \$30,000 in delinquent consumer debts.

Applicant does not challenge the Judge’s adverse findings and conclusion regarding the consumer debts, which are sufficient independently to support the unfavorable security clearance decision. Because Applicant has not made an allegation of error regarding the consumer debts, the decision of the Judge denying Applicant a security clearance is affirmed.

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