

KEYWORD: Guideline F

DIGEST: Applicant argues that she was not aware that she should have provided a plan for paying her debts. This argument shows no error on the part of the Judge. Although pro se applicants cannot be expected to act like lawyers, they are expected to take timely, reasonable steps to protect their rights under the Directive. Adverse decision affirmed.

CASENO: 18-02689.a1

DATE: 07/26/2019

DATE: July 26, 2019

In Re: ----- Applicant for Security Clearance)))))))	ISCR Case No. 18-02689
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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 November 20, 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). Neither Applicant nor Department Counsel requested a hearing. On April 23, 2019, after considering the record, Administrative Judge Noreen A. Lynch 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 is a 52-year-old employee of a Federal contractor. She is separated from her husband and has an adult child. The SOR alleged that she had 18 delinquent accounts totaling about \$92,000, including about \$80,000 in student loans. In her SOR response, she admitted some debts, denied others, and provided proof of paying one debt. She attributed her financial problems to her separation and her husband’s failure to follow through on his promises to pay bills. In 2015, she was granted a security clearance following a DOHA proceeding in which she showed that she experienced unemployment due to medical problems and claimed she was the victim of identity theft. During a background interview in 2018, she indicated that she thought her student loans were in deferment, did not know the origin of the other debts, but indicated she would investigate them. She did not submit a response to Department Counsel’s File of Relevant Material (FORM) or present any plan for resolving the debts. She has not shown that she acted responsibly under the circumstances. None of the mitigating conditions apply in this case.

Discussion

Applicant’s appeal brief contains a document and assertions that are not included in the record. The Appeal Board is prohibited from considering new evidence on appeal. Directive ¶ E3.1.29.

Applicant contends that she was only an authorized user on specific delinquent credit card accounts listed on the SOR. However, a review of the credit reports in the record do not support her contention. She has not shown the Judge erred in finding against her on those accounts.

Applicant argues that she was not aware that she should have provided a plan for paying her debts. This argument shows no error on the part of the Judge. Although *pro se* applicants cannot be expected to act like lawyers, they are expected to take timely, reasonable steps to protect their rights under the Directive. *See, e.g.*, ISCR Case No. 17-02196 at 2-3 (App. Bd. Apr. 27, 2018). Applicant further contends the loss of her security clearance will have a negative impact on her. However, the Directive does not permit us to consider the impact of an unfavorable decision. *See, e.g.*, ISCR Case No. 11-13180 at 3 (App. Bd. Aug. 21, 2013). The balance of Applicant’s arguments amounts to a disagreement with the Judge’s weighing of the evidence. These arguments 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 Case No. 15-08684 at 2 (App. Bd. Nov. 22, 2017).

Applicant has not established 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