

KEYWORD: Guideline F

DIGEST: In the appeal brief, Applicant argues that a number of the debts will be resolved once he sells his home. He made a similar representation in his SOR response over a year ago. As the Appeal Board has previously stated, promises to pay off delinquent debts in the future are not a substitute for a track record of paying debts in a timely manner and otherwise acting in a financially responsible manner. Adverse decision affirmed.

CASENO: 18-01577.a1

DATE: 08/13/2019

DATE: August 13, 2019

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In Re: )  
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----- ) ISCR Case No. 18-01577  
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Applicant for Security Clearance )  
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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 June 18, 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 June 6, 2019, after the hearing, Administrative Judge David M. White denied Applicant’s request for a security clearance. Applicant appealed pursuant to Directive ¶¶ E3.1.28 and E3.1.30.

The Judge summarized the case as follows:

Applicant owed more than \$38,500 in delinquent consumer debts. He settled one small credit card account for 45% of the balance due, but demonstrated insufficient efforts or means to resolve his remaining delinquencies or establish rehabilitation. Resulting security concerns were not mitigated. Based upon a review of the pleadings and exhibits, national security eligibility is denied. [Decision at 1.]

Applicant’s appeal brief includes documents and assertions that were not previously presented to the Judge for consideration. The Appeal Board is prohibited from considering new evidence on appeal. Directive ¶ E3.1.29.

In the appeal brief, Applicant argues that a number of the debts will be resolved once he sells his home. He made a similar representation in his SOR response over a year ago. As the Appeal Board has previously stated, promises to pay off delinquent debts in the future are not a substitute for a track record of paying debts in a timely manner and otherwise acting in a financially responsible manner. *See, e.g.*, ISCR Case No. 14-04565 at 2 (App. Bd. Sep. 18, 2015).

Applicant presents other arguments that amount 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 also claims that he was unaware that he elected not to have a hearing before a Judge. The record, however, reflects that he requested a decision on the written record when he submitted his SOR response on July 6, 2018. He now asserts that he would like to have a hearing if that option is still available to him. Absent a showing of factual or legal error that affects a party’s right to present evidence in the proceeding below, a party does not have the right to have a second chance at presenting his or her case before an administrative judge. *See, e.g.*, ISCR Case No. 14-02730 at 2 (App. Bd. Jun. 24, 2016). Applicant has not demonstrated error below and is not entitled to a hearing just so he can have another opportunity to present his case.

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