

The Department of Defense (DoD) declined to grant Applicant a security clearance. On February 1, 2019, 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 September 9, 2019, after the hearing, Administrative Judge Richard A. Cefola 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 16 delinquent debts. In responding to the SOR, Applicant admitted 15 of them. The Judge found against Applicant on all of the debts, noting she submitted no documentation showing payments to resolve them.

In her appeal brief, Applicant notes that she is going through a divorce and contends the Judge did not properly apply that life-changing event in her case. Her appeal brief contains an undated and unsigned Entry of Judgment for a dissolution of marriage that was not presented to the DOHA Judge for consideration. We cannot consider new evidence on appeal. Directive ¶ E3.1.29. In the findings of fact, the Judge noted that Applicant was pending a divorce. The Judge concluded that Mitigating Condition 20(b) did not apply. For this mitigating condition to apply, an applicant must not only experience a circumstance largely beyond his or her control (such as a separation or divorce) that resulted in the financial problem, but also show he or she has acted responsibly under the circumstances. *See* Directive, Encl. 2, App. A ¶ 20(b). Based on the record evidence, we find no error in the Judge’s conclusion that Mitigating Condition 20(b) did not apply. Applicant has failed to establish that the Judge’s conclusions were arbitrary, capricious, or contrary to law. Directive ¶ E3.1.32.3.

Applicant has failed to establish that the Judge committed any harmful error. Therefore, we affirm the Judge’s decision. 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