

KEYWORD: Guideline F

DIGEST: In her appeal brief, Applicant explains the reasons for her debts and argues the security concerns arising from them have been mitigated. She argues, for example, her debts were incurred nearly four years ago during an isolated period of her life and were the result of conditions beyond her control. Her arguments, however, are neither enough to rebut the presumption that the Judge considered all of the evidence in the record nor sufficient to show that the Judge weighed the evidence in a manner that was arbitrary, capricious, or contrary to law. Adverse decision affirmed.

CASENO: 19-00493.a1

DATE: 08/29/2019

DATE: August 29, 2019

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In Re:)	
-----)	ISCR Case No. 19-00493
)	
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 March 13, 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 decision on the written record. On July 24, 2019, after considering the record, Administrative Judge Braden M. Murphy 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 in her current 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 35-year-old medical professional. She has been married twice and has four children. She experienced periods of unemployment. She incurred some delinquent debts during the breakup of her first marriage and others later while living on her own.

The SOR alleges that Applicant had eight delinquent debts totaling about \$28,500. She admitted the debts in her SOR response. She has not provided proof of any payment arrangements because she does not want to enter into agreements that she cannot afford. Her husband advises her on how to manage her finances, and she is considering debt management counseling. She hopes to have her debts paid off in five years. Her finances will improve once her youngest child leaves daycare and begins elementary school. Her plan is to pay her debts one-by-one, starting with the smallest and progressing to the next larger. She provided no documentation about the current status of her debts or her current financial situation. Applicant provided insufficient evidence to support application of the Guideline F mitigating conditions.

Discussion

In her appeal brief, Applicant explains the reasons for her debts and argues the security concerns arising from them have been mitigated. She argues, for example, her debts were incurred nearly four years ago during an isolated period of her life and were the result of conditions beyond her control. Her arguments, however, are neither enough to rebut the presumption that the Judge considered all of the evidence in the record nor 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. 15-01717 at 4 (App. Bd. Jul. 3, 2017). Applicant also makes some assertions that were not provided to the Judge for consideration. The Appeal Board is prohibited from considering new evidence on appeal. Directive E3.1.29.

Applicant has failed to show the Judge committed any harmful error. The record supports a conclusion that the Judge examined the relevant data and articulated a satisfactory explanation for the decision, “including a ‘rational connection between the facts found and the choice made.’” *Motor Vehicle Mfrs. Ass’n of the United States v. State Farm Mut. Auto. Ins. Co.*, 463 U.S. 29, 43 (1983)(quoting *Burlington Truck Lines, Inc. v. United States*, 371 U.S. 156, 168 (1962)). The

Judge's adverse 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* at 528. 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