

KEYWORD: Guideline F

DIGEST: Applicant contends that the Judge erred in finding that he and his wife earn about \$175,000 annually. He indicated their combined annual income was \$153,000. At the hearing, Department Counsel asked Applicant if he and his wife have an annual combined income of \$175,000, and he responded in the affirmative. The Judge's challenged finding is based on substantial evidence in the record. Adverse decision affirmed.

CASENO: 19-00027.a1

DATE: 12/04/2019

DATE: December 4, 2019

In Re:	)	
	)	
-----	)	ISCR Case No. 19-00027
	)	
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 January 31, 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 20, 2019, after the hearing, Administrative Judge John Grattan Metz, Jr., 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 totaling about \$39,000. In responding to the SOR, Applicant admitted 15 of them, totaling about \$38,000. The Judge found against Applicant on 15 alleged debts and noted that, even though Applicant experienced two brief periods of unemployment, he did not demonstrate responsible resolution of his debts.

Applicant’s appeal brief contains documents and assertions that were not previously presented to the Judge for consideration. More specifically, the majority of his brief is a statement about his current financial situation and the actions he intends to take in the future to resolve his delinquent debts. The Appeal Board cannot consider new evidence on appeal. Directive ¶ E3.1.29.

Applicant contends that the Judge erred in finding that he and his wife earn about \$175,000 annually. He indicated their combined annual income was \$153,000. At the hearing, Department Counsel asked Applicant if he and his wife have an annual combined income of \$175,000, and he responded in the affirmative. Tr. at 88. The Judge’s challenged finding is based on substantial evidence in the record. Directive ¶ E3.1.32.1. *See also* ISCR Case No. 16-04094 at 2 (App. Bd. Apr. 20, 2018). Applicant also notes the Judge’s adverse decision has resulted in the loss of his job and is having a negative impact on him and his family. The Directive, however, does not permit us to consider the impact of an unfavorable decision. *See, e.g.*, ISCR Case No. 14-04202 at 4 (App. Bd. Dec. 24, 2015).

Applicant has failed to establish 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