

KEYWORD: Guideline F

DIGEST: Applicant contends that he was not able to respond to the File of Relevant Material (FORM) on time because he was on military orders. We note that the FORM was sent to Applicant on July 10, 2019, after which he requested an extension of time in which to respond. Decision at 2. DOHA granted this request, giving Applicant until September 16, 2019, to provide evidence. Nevertheless, Applicant submitted nothing in response to the FORM, even as he had submitted no documentary evidence along with his Answer to the SOR. We find no reason to believe that Applicant was denied an opportunity to present evidence in mitigation. To the extent that he is raising an issue that he was denied due process, we resolve it adversely to him. Adverse decision affirmed.

CASE NO: 19-01339.a1

DATE: January 24, 2020

In Re:	)	
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Applicant for Security Clearance	)	ISCR Case No. 19-01339

**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 May 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 decision on the written record. On October 24, 2019, after considering the record, Defense Office of Hearings and Appeals (DOHA) Administrative Judge Robert Robinson Gales denied Applicant’s request for a security clearance. Applicant appealed pursuant to Directive ¶¶ E3.1.28 and E3.1.30.

Much of Applicant’s Appeal Brief consists of information from outside the record, which we cannot consider. Directive ¶ E3.1.29. We will consider new evidence, however, in order to resolve issues of jurisdiction or due process. *See, e.g.*, ISCR Case No. 18-01764 at 1-2 (App. Bd. Jun. 4, 2019). Applicant contends that he was not able to respond to the File of Relevant Material (FORM) on time because he was on military orders. We note that the FORM was sent to Applicant on July 10, 2019, after which he requested an extension of time in which to respond. Decision at 2. DOHA granted this request, giving Applicant until September 16, 2019, to provide evidence. Nevertheless, Applicant submitted nothing in response to the FORM, even as he had submitted no documentary evidence along with his Answer to the SOR. We find no reason to believe that Applicant was denied an opportunity to present evidence in mitigation. To the extent that he is raising an issue that he was denied due process, we resolve it adversely to him.

Applicant states, “I do not feel I deserve to have my clearance revoked because of a hard time that I went through financially.” Appeal Brief at 1. Applicant discussed his financial problems, the reasons underlying them, and his efforts a debt resolution in his clearance interview. Item 3, Clearance Interview Summary. The Judge addressed this evidence, both in his findings and in his analysis. Applicant has not rebutted the presumption that the Judge considered all of the evidence in the record, nor has he shown that the Judge weighed the evidence in a manner that was arbitrary, capricious, or contrary to law. *See, e.g.*, ISCR Case No. 18-01482 at 2 (App. Bd. Sep. 6, 2019).

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 Y. Ra'anan  
Michael Y. 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