

KEYWORD: Guideline F

DIGEST: In his appeal brief, Applicant states he is challenging the Judge’s findings of fact but does not identify any specific finding that he is disputing. Adverse decision is affirmed.

CASE NO: 19-01973.a1

DATE: 08/03/2020

DATE: August 3, 2020

In Re:  -----  Applicant for Security Clearance	) ) ) ) ) ) )	ISCR Case No. 19-01973
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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 August 19, 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 May 4, 2020, after the hearing, 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.

The SOR alleged that Applicant had seven delinquent debts totaling about \$22,000. In responding to the SOR, he admitted five of those debts and denied the others. Noting that one debt was resolved and another was current and being resolved, the Judge found in favor of Applicant on those two debts, which totaled a little over \$2,000, and found against him on the other debts. The Judge concluded that most of Applicant's debts have remained unresolved for several years, that he only recently took steps to resolve them, and that he did not establish a sufficient track record of payments towards his past-due debts.

In his appeal brief, Applicant states he is challenging the Judge's findings of fact but does not identify any specific finding that he is disputing. Instead, his arguments amount to a disagreement with the Judge's weighing of the evidence. He contends, for example, that he has no criminal record, that unemployment contributed to his financial problems, that all his negative credit entries are years old, that he has a 91% on-time payment history, and that he received credit counseling advice to bring all active account current before addressing closed accounts. He argues that he has established a sufficient track record of making payments on his debts. The Judge addressed many of these matters in his decision. In essence, Applicant is advocating for an alternative weighing of the evidence. An applicant's disagreement with the Judge's weighing of the evidence or an ability to argue for a different interpretation of the evidence is not sufficient to demonstrate the Judge weighed the evidence or reached conclusions in a manner that is arbitrary, capricious, or contrary to law. *See, e.g.*, ISCR Case No. 18-00110 at 6 (App. Bd. Mar. 31, 2020). Moreover, Applicant's arguments fail to rebut the presumption that the Judge considered all of the record evidence. *Id.* at 5.

Applicant has failed to establish the Judge committed any harmful errors. 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