

KEYWORD: Guideline F

DIGEST: Applicant asserts that loss of her security clearance has had a negative impact on her and her family. The Directive, however, does not permit us to consider the impact of an unfavorable decision. Adverse decision is affirmed.

CASE NO: 19-02208.a1

DATE: 08/03/2020

DATE: August 3, 2020

_____)	
In Re:)	
)	
-----)	ISCR Case No. 19-02208
)	
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 December 20, 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 May 6, 2020, after considering the record, Administrative Judge Carol G. Ricciardello 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 failed to file, as required, her Federal and state income tax returns for 2017 and 2018, that she owed the Federal Government delinquent taxes of over \$7,800 for 2014, and that she had 12 other delinquent debts. In responding to the SOR, she admitted each allegation, some with comments.

Applicant’s appeal brief contains assertions that are not in the record. The Appeal Board is prohibited from considering new evidence on appeal. Directive ¶ E3.1.29.

In her appeal brief, Applicant says, “It was stated in the decision documentation that I have made no effort in resolving my tax debt.” Appeal Brief at 1. She also asserts that she filed her delinquent tax returns. In the decision (at pages 2-3 and 6), the Judge discussed Applicant’s efforts to resolve her Federal and state tax delinquencies and found in favor of her on those allegations.

In her brief, Applicant says:

It is also stated that I made no effort to resolve my delinquent debt. I did provide proof of payment of my student loans and two other consumer debts that were paid in full. I still have several medical and consumer debts that have not been paid yet. I plan on paying them off one at a time as soon [as] I have a job. [Appeal Brief at 1.]

In the decision (at page 3), the Judge discussed Applicant’s efforts to resolve three student loans and another debt and found in favor of her on those allegations.

Applicant asserts that loss of her security clearance has had a negative impact on her and her family. The Directive, however, does not permit us to consider the impact of an unfavorable decision. *See, e.g.*, ISCR Case No. 19-01759 at 3 (App. Bd. Jun. 8, 2020). Applicant also argues that she has taken action to resolve her financial issues, that she has been completely honest, and that she takes security matters very seriously and would never do anything illegal to raise money. These arguments amount to a disagreement with the Judge’s weighing of the evidence and are not sufficient to show that the Judge weighed the evidence in a manner that was arbitrary, capricious, or contrary to law. *Id.*

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