

KEYWORD: Guideline F

DIGEST: Based on our review of the record, we conclude the Judge’s material findings and conclusions that Applicant’s decision to leave the job in question was voluntary are based on substantial evidence or constitute reasonable inferences that could be drawn from the evidence. Adverse decision is affirmed.

CASE NO: 19-00909.a1

DATE: 02/03/2020

DATE: February 3, 2020

In Re:	)	
	)	
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	)	
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 April 9, 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 November 18, 2019, after the hearing, Administrative Judge Robert E. Coacher denied Applicant’s request for a security clearance. Applicant appealed pursuant to Directive ¶¶ E3.1.28 and E3.1.30.

The SOR listed ten allegations. The Judge found against Applicant on seven delinquent debts totaling about \$19,000. The Judge concluded that Applicant did not act responsibly under the circumstances and failed to produce sufficient evidence to show that his financial problems are unlikely to recur.

In his appeal brief, Applicant challenges the Judge’s findings and conclusions that he left a job voluntarily in 2014. He states that he was working on a contract that was supposed to continue but ended abruptly. He argues the Judge’s purported error weighed heavily in his decision.

We examine a Judge’s findings to see if they are supported by substantial evidence, that is, “such relevant evidence as a reasonable mind might accept as adequate to support a conclusion in light of all the contrary evidence in the same record.” Directive ¶ E3.1.32.1. *See, e.g.*, ISCR Case No. 17-02145 at 3 (App. Bd. Sep. 10, 2018). In his background interview, Applicant stated that his financial problems began in 2013 because of debts from his wedding, moving from State A to State B, two months of unemployment, a pay cut of \$40,000 due to the move, and expenses related to his children. Government Exhibit (GE) 3 at 2. In his security clearance application, Applicant listed his reason for leaving the job in question as: “Looked for a job in [State B]. Didn’t want to stay in [State A] anymore.” GE 1 at 16. At the hearing, Applicant testified as follows:

[Applicant]: . . . I ended up having a really great position with that company and it just didn’t work out between me and the existing personnel, so I took a position here in [State B]. We moved out here, but it was about 40 or so thousand difference in pay, so I took a pretty big hit coming out here because at the time -- [Tr. at 19-20.]

\* \* \*

[Department Counsel]: And when you moved out, made a decision to move, did you ever consider how it affected your finance? Because I believe you said like you [took] a \$40,000 hit?

[Applicant]: I did. It was -- it was rough, and I knew it was going to affect finances, but again, you know, I was like I’ll get out there. I’ll get my foot in the door, and then I’ll get a position.

[Department Counsel]: And what was the reason besides -- what was the reason behind the move?

[Applicant]: The move, it clearly was work related.

[Department Counsel]: Did you have a job out here you were taking?

[Applicant]: Right, exactly.

[Department Counsel]: Okay.

[Applicant]: It was -- I had the current position, the contract was kind of failing through, it was getting a little scary, so I was like all right, I need to make a move, and I had to get out of [State A]. I just didn't care for it all that much.

[Department Counsel]: And I live not too far from where you're saying, [location], I would imagine, is a lot more expensive than where you are here, [State B]?

[Applicant]: Yeah, very, very much so.

[Department Counsel]: Okay. I have no further questions. [Tr. at 43-44.]

Based on our review of the record, we conclude the Judge's material findings and conclusions that Applicant's decision to leave the job in question was voluntary are based on substantial evidence or constitute reasonable inferences that could be drawn from the evidence. *See, e.g.*, ISCR Case No. 17-02225 at 2-3 (App. Bd. Jun. 25, 2019).

The balance of Applicant's arguments amounts to a disagreement with the way in which the Judge weighed the evidence. He argues, for example, that his financial situation has greatly improved, he is living within his means, and he is paying his delinquent debts. He also notes that he started a debt relief program before the security clearance proceeding began. His arguments 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. 17-03978 at 3-4 (App. Bd. Mar. 6, 2019).

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