

KEYWORD: Guideline F

DIGEST: Applicant contends that the Judge erred in concluding the four debts at issue were either unresolved or not sufficiently resolved. In general, her arguments rely on the new evidence that we cannot consider. From our review of the record, the Judge’s material findings and conclusions of a security concern are based on substantial evidence or constitute reasonable inferences that could be drawn from the evidence. Adverse decision is affirmed.

CASE NO: 19-00379.a1

DATE: 01/13/2020

DATE: January 13, 2020

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In Re:	)	
-----	)	ISCR Case No. 19-00379
	)	
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 February 22, 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 October 15, 2019, after the hearing, Administrative Judge Shari Dam 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 10 delinquent debts. At the hearing, Department Counsel withdrew one allegation. The Judge found in favor of Applicant on five of the debts and against her on the remaining four debts. In responding to the SOR, Applicant admitted those four debts. After noting that Applicant and her husband had about \$2,000 of monthly disposable income, the Judge concluded that Applicant did not seriously begin to address the delinquent debts until the security clearance process was initiated and that she did not present sufficient evidence to show she responsibly managed the delinquent debts under the circumstances. The Judge also concluded:

Although [Applicant] testified candidly about her delinquent debts, it was clear that she did not have a firm grasp on her debts and budget, and has not established a solid and significant track record of responsible financial management. . . . After listening to Applicant’s testimony, observing her demeanor, and reviewing her new budget, I believe that she is now more committed to responsibly managing her financial obligations. However, the record evidence leaves me with concerns as to Applicant’s judgment and suitability for a security clearance at this time. [Decision at 7-8.]

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

Applicant contends that the Judge erred in concluding the four debts at issue were either unresolved or not sufficiently resolved. In general, her arguments rely on the new evidence that we cannot consider. From our review of the record, the Judge’s material findings and conclusions of a security concern 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).

Applicant also contends the Judge’s conclusions quoted above are contradictory. We do not read those conclusions in that manner. A Judge’s conclusion that an applicant is now committed to handling his or her financial obligations responsibly does not preclude the Judge from also concluding security concerns arising from the applicant’s prior handling of those obligations have not been mitigated.

In her brief, Applicant states that revocation of her security clearance has resulted in her being terminated from her job and has made repayment of the debts more difficult. She notes her company is willing to reinstate her if she is granted a security clearance. 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 also proposes that her eligibility be returned “on a conditional basis.” Applicant has failed to establish that the Judge committed any harmful error or that she should be granted a conditional security clearance under Directive, Encl. 2, App. C. 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