

KEYWORD: Guideline F

DIGEST: The SOR alleged that Applicant had 12 delinquent debts totaling about \$24,000. In responding to the SOR, Applicant admitted all of the SOR allegations. The Judge found against Applicant on all of the allegations. In doing so, the Judge noted Applicant obtained the assistance of a debt relief company (DRC) in late 2019 and began making biweekly payments under the DRC plan. The Judge concluded that none of the mitigating conditions fully applied. Adverse decision is affirmed.

CASE NO: 19-02487.a1

DATE: 06/15/2020

DATE: June 15, 2020

In Re:)	
)	
-----)	ADP Case No. 19-02487
)	
Applicant for Public Trust Position)	

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 trustworthiness designation. On October 3, 2019, DoD issued a statement of reasons (SOR) advising Applicant of the basis for that decision—trustworthiness 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 March 11, 2020, after considering the record, Defense Office of Hearings and Appeals (DOHA) Administrative Judge Robert E. Coacher denied Applicant’s request for a trustworthiness designation. Applicant appealed pursuant to Directive ¶¶ E3.1.28 and E3.1.30.

The SOR alleged that Applicant had 12 delinquent debts totaling about \$24,000. In responding to the SOR, Applicant admitted all of the SOR allegations. The Judge found against Applicant on all of the allegations. In doing so, the Judge noted Applicant obtained the assistance of a debt relief company (DRC) in late 2019 and began making biweekly payments under the DRC plan. The Judge concluded that none of the mitigating conditions fully applied.

In his appeal brief, Applicant contends that the Judge did not see the evidence he submitted showing he was currently in a debt resolution program. Applicant states, “I believe if this evidence was seen the judgment may have been more favorable. With this appeal I hope the judge is able to see I am doing all I can with the issue as quickly as possible.” Appeal Brief at 1. The Judge’s Decision, however, reveals he considered the evidence that Applicant submitted regarding his debt resolution program, which the Judge called “DRC.” He discussed the DRC at some length in his decision. Applicant’s arguments are neither sufficient to rebut the presumption that the Judge considered all of the record evidence nor enough to show that the Judge weighed the evidence in a manner that is arbitrary, capricious, or contrary to law. *See, e.g.*, ADP Case No. 18-00166 at 2 (App. Bd. Nov. 29, 2018).

Applicant has not identified any harmful error in the Judge’s decision. The Judge examined the relevant evidence and articulated a satisfactory explanation for the decision. The decision is sustainable on the record. The standard applicable to trustworthiness cases is that is that set forth in *Department of the Navy v. Egan*, 484 U.S. 518, 528 (1988) regarding security clearances: such a determination “. . . may be granted only when ‘clearly consistent with the interests of the national security.’” *See, e.g.*, ADP Case No. 17-03252 at 3 (App. Bd. Aug. 13, 2018). *See also Kaplan v. Conyers*, 733 F.3d 1148 (Fed. Cir. 2013), *cert. denied*.

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