

KEYWORD: Guideline F

DIGEST: Applicant argues that she is not a security threat. In this regard, we note that the Federal Government is not required to wait until an applicant has mishandled or failed to safeguard classified information before it can deny or revoke the applicant's access to such information. Even if an applicant has never engaged in a security violation, the Government still can consider whether an applicant's conduct or circumstances raise security concerns. Adverse decision is affirmed.

CASE NO: 19-01525.a1

DATE: 03/31/2020

DATE: March 31, 2020

In Re:)
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-----) ISCR Case No. 19-01525
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Applicant for Security Clearance)
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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 June 7, 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 December 30, 2019, after considering the record, Defense Office of Hearings and Appeals (DOHA) Administrative Judge Robert Robinson Gales denied Applicant’s request for a security clearance. Applicant appealed pursuant to Directive ¶¶ E3.1.28 and E3.1.30.

Applicant raised the following issue on appeal: whether the Judge’s adverse decision was arbitrary, capricious, or contrary to law. Consistent with the following discussion, we affirm the Judge’s decision.

The Judge’s Findings of Fact and Analysis

Applicant, who is in her 60s, is an employee of a defense contractor. She has earned a master’s degree. She is divorced with children. She was granted a security clearance in the 1990s. With the exception of occupying a two-month temporary position, she was unemployed for over a year in 2013-2014. Her unemployment was impacted by a Government sequestration and shutdown. She “attributed her financial problems to being a single mother; living in a one-income household; her period of unemployment, her father’s illness and death . . . ; her son’s college needs, and her daughter was almost ready to attend college.” Decision at 3.

The SOR alleges that Applicant has 20 delinquent debts totaling about \$50,000. Applicant asserted that she either paid, is paying, or will soon start paying the delinquent debts. In her SOR Response, Applicant provided a spreadsheet that appeared to reflect numerous financial transactions between June 2016 and February 2018. She claimed that she engaged a company to assist her in resolving the debts but that relationship ended in February 2017. The Judge indicated that the “spreadsheet is essentially useless.” Decision at 5. He noted that, without any comments or explanations from Applicant, it is nearly impossible to determine if any of the alleged accounts were resolved or were being resolved. Applicant also disputed, failed to address, or provided no information regarding some debts. In general, her contentions about the debts were not corroborated by documentary evidence. A Government exhibit, however, reflected that three of the alleged accounts were resolved. A senior management official at her company praised Applicant’s work ethic and expertise. This official and others also lauded her character and judgment.

Applicant incurred delinquent debts “and essentially ignored them until July 2015.” Decision at 9. The efforts that she and a debt resolution company took to settle the debts between July 2015 and February 2017 are unclear. Her efforts after that point are also unclear. There is little documentary evidence to show Applicant’s delinquent debts have been addressed. Absent corroboration, her claims about the actions she has taken are insufficient to mitigate the resulting security concerns. She also indicated that she intends to resolve the remaining debts but failed to

provide supporting documentation. Overall, the evidence leaves doubts about her eligibility and suitability for a security clearance.

Discussion

Applicant's appeal brief contains assertions and documents that are not contained in the record. Based on that new evidence, she argues various debts have been resolved or are being resolved. However, we are prohibited from considering new evidence in reviewing appeals. Directive ¶ E3.1.29.

In her appeal brief, Applicant argues that she is not a security threat. In this regard, we note that the Federal Government is not required to wait until an applicant has mishandled or failed to safeguard classified information before it can deny or revoke the applicant's access to such information. Even if an applicant has never engaged in a security violation, the Government still can consider whether an applicant's conduct or circumstances raise security concerns. *See, e.g.*, ISCR Case No. 01-06266 at 4 (App. Bd. Sep. 23, 2002). Applicant's remaining arguments amount to a disagreement with the Judge's weighing of the evidence. For example, she argues that she has strived to pay all of her debts in a timely manner. Her arguments, however, are not 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. 17-00257 at 3 (App. Bd. Dec. 7, 2017).

Applicant's appeal brief 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