

KEYWORD: Guideline F

DIGEST: Applicant contends that his ex-wife was responsible for filing their tax returns and argues that he cannot obtain W-2's from the IRS that are more than 10 years old. He also notes that one debt was for an automobile loan he cosigned for his former step-daughter, and he is negotiating a resolution of that debt. His arguments fail to establish that the Judge committed any harmful errors in the decision. He further asserts that his job requires a security clearance. However, the adverse impact of an unfavorable decision is not a relevant consideration in evaluating clearance eligibility. Adverse decision is affirmed.

CASE NO: 19-00523.a1

DATE: 05/11/2020

DATE: May 11, 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 June 21, 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 January 27, 2020, after considering the record, Administrative Judge Richard A. Cefola 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 his Federal and state income tax returns for at least 2005 through 2017 as required and had five delinquent debts totaling over \$15,000. In responding to the SOR, Applicant admitted the allegations. The Judge found in favor of Applicant on one debt totaling about \$2,500 and against him on the other allegations.

Applicant’s appeal brief contains documents postdating the Judge’s decision upon which he makes arguments. The Appeal Board is prohibited from considering new evidence on appeal. Directive ¶ E3.1.29.

In his appeal brief, Applicant contends that his ex-wife was responsible for filing their tax returns and argues that he cannot obtain W-2's from the IRS that are more than 10 years old. He also notes that one debt was for an automobile loan he cosigned for his former step-daughter, and he is negotiating a resolution of that debt. His arguments fail to establish that the Judge committed any harmful errors in the decision. He further asserts that his job requires a security clearance. However, the adverse impact of an unfavorable decision is not a relevant consideration in evaluating clearance eligibility. *See, e.g.*, ISCR Case No. 14-04202 at 4 (App. Bd. Dec. 24, 2015).

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