

KEYWORD: Guideline F

DIGEST: There is a threshold issue of an apparent defect in the record. The File of Relevant Material, at Item 3, contains Applicant’s answer to the SOR. At the bottom of the page in the center, the pages are numbered, as follows: 1,2,3,5,7,8,9,10,11,12,13,14,1,5,16. Pages 4 and 6 are missing. Additionally, page 5 says at the bottom, “Continued on Reverse Side.” Nothing is on the back and, as noted page 6 is missing. The decision is remanded.

CASE NO: 19-01482.a1

DATE: 05/27/2020

DATE: May 27, 2020

In Re:  -----  Applicant for Security Clearance	) ) ) ) ) ) ) )	ISCR Case No. 19-01482
---	--------------------------------------	------------------------

**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 May 20, 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 March 3, 2020, after considering the record, Defense Office of Hearings and Appeals (DOHA) Administrative Judge Eric H. Borgstrom 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, we remand.

### **The Judge’s Findings of Fact and Analysis**

Applicant’s SOR alleges six delinquent student loans, eight delinquent consumer accounts, and a medical bill that has been placed in collection. The student loans became delinquent in 2017 and the others between late 2012 and late 2018. In addition to those listed in the SOR, Applicant also has about 20 more student loans that have gone into collection and three vehicle loans. The Judge stated that he would consider the non-alleged debts on the issue of mitigation. Applicant attributed her financial problems to a \$20,000 reduction in pay in 2015. She presented evidence that she had resolved some of her debts. She also submitted a student loan rehabilitation agreement, though she provided no documentary evidence that she had made payments under it. She provided no evidence of monthly income or expenses or whether she had received financial counseling.

The Judge noted that many of Applicant’s SOR debts became delinquent prior to her reduction in pay. Although she had paid some of them by the close of the record, he noted that she did not begin to address her financial problems until after receipt of the SOR. Applicant failed to explain why she had not attempted to pay her debts prior to then.

### **Discussion**

There is a threshold issue of an apparent defect in the record. The File of Relevant Material, at Item 3, contains Applicant’s answer to the SOR. At the bottom of the page in the center, the pages are numbered, as follows: 1,2,3,5,7,8,9,10,11,12,13,14,15,16. Pages 4 and 6 are missing. Additionally, page 5 says at the bottom, “Continued on Reverse Side.” Nothing is on the back and, as noted page 6 is missing.

The only reasonable solution is to remand the case. The Judge is instructed to reopen the record and, working with the parties, fill in the gaps and perfect the record. After the record has been corrected, the Judge should issue a new decision in accordance with the Directive. The issues raised by Applicant are not ripe for consideration in light of the disposition of the case.

**Order**

The Decision is **REMANDED**.

Signed: Michael Y. Ra'anan  
Michael Y. 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