

KEYWORD: Guideline F

DIGEST: Applicant says that he is not asserting that the Judge erred. Rather he is challenging the accuracy and sufficiency of the record evidence. To the extent he is making an argument that he was denied due process, it is unpersuasive on this record. The record shows Applicant was interviewed in 2018, received an SOR and responded to it in 2019, received the File of Relevant Material (FORM) in 2019 and responded to the FORM in 2020. There is no basis to conclude that he was denied due process. Adverse decision is affirmed.

CASE NO: 19-02018.a1

DATE: 05/11/2020

DATE: May 11, 2020

In Re:)	
)	
-----)	ISCR Case No. 19-02018
)	
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 July 23, 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 2, 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 Applicant was denied due process. Consistent with the following discussion, we affirm the Judge’s decision.

The Judge’s Findings of Fact and Analysis

Applicant is a 54-year-old employee of a defense contractor. He served in the military and received an honorable discharge. He has earned a master’s degree. He is divorced and has three children. He attributed his financial problems to a period of leave without pay.

The SOR alleges that Applicant has 35 delinquent debts (of which 31 are student loans). The Judge found against Applicant on 15 of the delinquent debts and in favor of Applicant on the remainder. The Judge concluded that Applicant failed to establish that he had acted responsibly under the circumstances.

Discussion

Applicant’s appeal brief contains new evidence, which the Board cannot consider on appeal. Directive ¶ E3.1.29.

Applicant says that he is not asserting that the Judge erred. Rather he is challenging the accuracy and sufficiency of the record evidence. To the extent he is making an argument that he was denied due process, it is unpersuasive on this record. The record shows Applicant was interviewed in 2018, received an SOR and responded to it in 2019, received the File of Relevant Material (FORM) in 2019 and responded to the FORM in 2020. There is no basis to conclude that he was denied due process.

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