

KEYWORD: Guideline F

DIGEST: Applicant's appeal brief contains documents postdating the Judge's decision. He makes various arguments based on those documents. The Appeal Board, however, is prohibited from considering new evidence on appeal. Directive ¶ E3.1.29. Adverse decision is affirmed.

CASE NO: 19-02306.a1

DATE: 05/13/2020

DATE: May 13, 2020

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In Re:)	
)	
-----)	ISCR Case No. 19-02306
)	
)	
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 August 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 February 28, 2020, after considering the record, 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.

The SOR alleged that Applicant had seven delinquent debts totaling about \$28,000. The Judge noted there was an error regarding the amount of one of the alleged debts, and the debts actually totaled about \$27, 300. In responding to the SOR, Applicant admitted three of the alleged debts and denied the others. The Judge found against Applicant on all of the SOR allegations, noting he offered no documentary evidence showing that he has taken or is taking actions to resolve them.

Applicant’s appeal brief contains documents postdating the Judge’s decision. He makes various arguments based on those documents. The Appeal Board, however, is prohibited from considering new evidence on appeal. Directive ¶ E3.1.29.

In his appeal brief, Applicant contends that the Judge’s “decision is against the great weight of the evidence that was presented to the Judge.” Appeal Brief at 1. In his arguments, he cites to various matters pertaining to his background, such as his military record, employment history, and family situation. He also makes assertions regarding some of the debts. The Judge addressed many of these matters in his decision. Based on our review of the record, Applicant’s arguments are neither enough to rebut the presumption that the Judge considered all of the evidence in the record nor 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. 15-04856 at 2-3 (App. Bd. Mar. 9, 2017).

Applicant has failed to establish the Judge committed any harmful errors. 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