

KEYWORD: Guideline F; Guideline G

DIGEST: In his appeal brief, Applicant notes that his financial problems arose from a business failure and highlights his efforts to resolve the alleged debts. He argues that he has provided sufficient evidence to mitigate any security concerns arising from his debts. In essence, he is advocating for an alternative weighing of the evidence. A party's disagreement with the Judge's weighing of the evidence or an ability to argue for a different interpretation of the evidence is not sufficient to demonstrate the Judge weighed the evidence or reached conclusions in a manner that is arbitrary, capricious, or contrary to law. Adverse decision affirmed.

CASE NO: 19-02020.a1

DATE: 10/26/2020

DATE: October 26, 2020

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In Re:)	
)	
-----)	ISCR Case No. 19-02020
)	
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 December 13, 2019, DoD issued a statement of reasons (SOR) advising Applicant of the basis for that decision—security concerns raised under Guideline F (Financial Considerations) and Guideline G (Alcohol Consumption) of Department of Defense Directive 5220.6 (Jan. 2, 1992, as amended) (Directive). Applicant requested a decision on the written record. On August 18, 2020, after considering the record, Administrative Judge John Bayard Glendon denied Applicant’s request for a security clearance. Applicant appealed pursuant to Directive ¶¶ E3.1.28 and E3.1.30.

The Judge summarized the case as follows:

The original SOR alleges that Applicant has 24 delinquent debts totaling over \$1,000,000. Department Counsel amended the SOR by adding two additional debts totaling about \$50,000. The SOR also alleges Applicant was twice arrested for driving under the influence of alcohol within a nine-month period in 2014 and 2015. Applicant provided substantial evidence to mitigate the Guideline G security concerns alleged in the SOR, but he provided insufficient mitigation evidence regarding the Guideline F allegations. Accordingly, national security eligibility for access to classified information is denied. [Decision at 1.]

In his analysis, the Judge noted that, even though Applicant expressed a commitment to pay all of his debts, he had limited financial resources due to his large child support obligations and failed to meet his burden to submit evidence demonstrating his plans to repay numerous delinquent debts.

In his appeal brief, Applicant notes that his financial problems arose from a business failure and highlights his efforts to resolve the alleged debts. He argues that he has provided sufficient evidence to mitigate any security concerns arising from his debts. In essence, he is advocating for an alternative weighing of the evidence. A party’s disagreement with the Judge’s weighing of the evidence or an ability to argue for a different interpretation of the evidence is not sufficient to demonstrate the Judge weighed the evidence or reached conclusions in a manner that is arbitrary, capricious, or contrary to law. *See, e.g.*, ISCR Case No. 15-00650 at 2 (App. Bd. Jun. 27, 2016). Applicant also notes that the adverse decision resulted in the lose of his job. The Directive does not permit us to consider the impact of an unfavorable decision. *See, e.g.*, ISCR Case No. 19-01206 at 2 (App. Bd. May 13, 2020).

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