

KEYWORD: Guideline F

DIGEST: Applicant contends the Judge erred in finding he provided no proof of making \$800 in payments towards an unresolved credit union debt. The SOR alleged the balance owed on that debt was about \$4,400. At the hearing, Applicant provided a statement from a collection agency showing the debt's balance was about \$3,600 as of the end of 2019. Applicant's Exhibit E. Although the Judge erred in finding the record contained no evidence of the \$800 in payments on that debt, it was a harmless error because it did not likely affect the outcome of the case. Adverse decision affirmed.

CASE NO: 19-00262.a1

DATE: 09/30/2020

DATE: September 30, 2020

In Re:	)	
	)	
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	)	
Applicant for Security Clearance	)	

**APPEAL BOARD DECISION**

**APPEARANCES**

**FOR GOVERNMENT**

Julie R. Mendez, Esq., Deputy Chief Department Counsel

**FOR APPLICANT**

*Pro se*

The Department of Defense (DoD) declined to grant Applicant a security clearance. On February 15, 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 initially requested a decision on the written record, but later requested a hearing. On June 18, 2020, after the hearing, Administrative Judge Nichole L. Noel 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 six delinquent debts totaling about \$29,000. In responding to the SOR, Applicant admitted each allegation. The Judge found in favor of Applicant on three of the alleged debts. Applicant settled one of those debts before the hearing and the other two after the hearing. For the remaining three debts, the Judge found against Applicant, concluding he had not taken sufficient steps to resolve them.

Applicant’s appeal brief contains assertions that are not in the record. The Appeal Board is prohibited from considering new evidence on appeal. Directive ¶ E3.1.29.

Applicant contends the Judge erred in finding he provided no proof of making \$800 in payments towards an unresolved credit union debt. The SOR alleged the balance owed on that debt was about \$4,400. At the hearing, Applicant provided a statement from a collection agency showing the debt’s balance was about \$3,600 as of the end of 2019. Applicant’s Exhibit E. Although the Judge erred in finding the record contained no evidence of the \$800 in payments on that debt, it was a harmless error because it did not likely affect the outcome of the case. *See, e.g.*, ISCR Case No. 19-01220 at 3 (App. Bd. Jun. 1, 2020). Regarding one debt (SOR ¶ 1.e), Applicant asserts the Judge “ONLY mentions the \$130 paid in 2020.” Appeal Brief at 1. He is incorrect. She noted that Applicant made monthly payments totaling \$4,000 towards this debt, but there was a gap in payments between May 2017 and January 2020. Decision at 4.

The balance of Applicant’s arguments amounts to a disagreement with the Judge’s weighing of the evidence. These arguments are not sufficient to demonstrate the Judge weighed the evidence in a manner that was arbitrary, capricious, or contrary to law. *See, e.g.*, ISCR Case No. 15-08684 at 2 (App. Bd. Nov. 22, 2017). Overall, the record evidence supports the Judge’s conclusions that Applicant has a history of financial problems and has failed to establish those problems are under control and are unlikely to recur.

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