

KEYWORD: Guideline F

DIGEST: Applicant notes that President Biden extended a pause on the collection of student loans. See <https://www.whitehouse.gov/briefing-room/statements-releases/2021/01/20/pausing-student-loan-payments/>. In her SOR response, she also mentioned the Government’s pause on student loan collection efforts. The Judge addressed this issue by concluding that, while the President’s action effectively places Applicant’s student loans in a deferment status, “it does not excuse Applicant’s past inactions in the context of security clearance eligibility.” A credit report in the record reflects that Applicant’s student loan delinquencies date back to at least December 2014. Based on that evidence, we find no error in the Judge’s conclusion. Adverse decision affirmed.

CASE NO: 20-01527.a1

DATE: 06/07/2021

DATE: June 7, 2021

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| In Re:                           | ) |                        |
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| -----                            | ) | ISCR Case No. 20-01527 |
|                                  | ) |                        |
| 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 September 22, 2020, 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 26, 2021, 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 four delinquent student loan totaling about \$27,600. Applicant admitted the two larger delinquent loans totaling over \$20,000 and denied the other two. In December 2020, Applicant was provided a copy of Department Counsel’s File of Relevant Material (FORM) and was given 30 days to submit objections and additional matters for the Judge to consider. Applicant did not submit a response to the FORM. The Judge found against Applicant on the three largest debts, concluding she had failed to submit documentary evidence that showed she had resolved or attempted to resolve those debts.

Applicant’s appeal submission contains documents and assertions that were not submitted to the Judge for consideration. Most of those documents post-date the Judge’s decision. Those documents and assertions constitute new evidence the Appeal Board cannot consider. Directive ¶ E3.1.29. As a related matter, Applicant argues that she has resolved her student loans but fails to identify any record evidence that supports her contention. Credit reports in the record confirm Applicant’s delinquent student loans.

Applicant contends the Judge erred in finding she had two background interviews. A review of Item 9 of the FORM reveals that Applicant was interviewed by an investigator in person in February 2018 and later that month the investigator contacted her by telephone/fax to obtain further information. Applicant has not established that the Judge committed any harmful error in his findings of fact.

In her appeal brief, Applicant notes that President Biden extended a pause on the collection of student loans. *See* <https://www.whitehouse.gov/briefing-room/statements-releases/2021/01/20/pausing-student-loan-payments/>. In her SOR response, she also mentioned the Government’s pause on student loan collection efforts. The Judge addressed this issue by concluding that, while the President’s action effectively places Applicant’s student loans in a deferment status, “it does not excuse Applicant’s past inactions in the context of security clearance eligibility.” Decision at 9. A credit report in the record reflects that Applicant’s student loan delinquencies date back to at least December 2014. FORM Items 5 at 6-7 and 7 at 2. Based on that evidence, we find no error in the Judge’s conclusion.

Applicant raises other arguments that amount to a challenge of the Judge’s weighing of the evidence. For example, she points out that all of her other accounts are current and she has never missed any payments on them. She further argues that she is a reliable person, that the delinquent student loans date back over ten years, and that the alleged security concerns have been mitigated. None of her arguments are sufficient to show 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. 15-08684 at 2 (App. Bd. Nov. 22, 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