

KEYWORD: Guideline F

DIGEST: Applicant does not challenge any of the Judge’s specific findings of fact. Instead, he challenges the Judge’s conclusions and her weighing of the evidence. For example, he claims that he has made significant progress in paying off his indebtedness. This argument is not persuasive. Applicant failed to provide documentation corroborating his efforts to resolve the debts. As the Appeal Board has previously stated, it is reasonable for a Judge to expect that an applicant should present corroborating documentation of actions taken to resolve debts. Adverse decision affirmed.

CASE NO: 20-00615.a1

DATE: 06/07/2021

DATE: June 7, 2021

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In Re:)	
)	
)	
-----)	ISCR Case No. 20-00615
)	
Applicant for Security Clearance)	
_____)	

APPEAL BOARD DECISION

APPEARANCES

FOR GOVERNMENT

James B. Norman, Esq., Chief Department Counsel

FOR APPLICANT

David Johnson, Esq.

The Department of Defense (DoD) declined to grant Applicant a security clearance. On May 18, 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 23, 2021, after considering the record, Administrative Judge Darlene D. Lokey Anderson 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 nine delinquent debts totaling about \$38,500. Applicant admitted eight of those allegations. The Judge found each alleged debt remained unresolved and noted Applicant expressed a willingness to payoff the debts but did not provide documentation showing he had resolved any of them. The Judge concluded that Applicant failed to mitigate the alleged security concerns.

Applicant asks “the Appeal Board members use their independence to render a fair and impartial decision of granting my security clearance.” Appeal Brief at 1. Applicant is correct that, under Directive ¶ 5.2.13, we are provided with independence to render fair and impartial decisions. However, we have limited authority. As set forth in Directive ¶ E3.1.32, our scope of review is limited to addressing material issues raised by the parties to determine whether the Judge committed harmful error in his or her decision. We do not review cases *de novo*.

In his appeal brief, Applicant does not challenge any of the Judge’s specific findings of fact. Instead, he challenges the Judge’s conclusions and her weighing of the evidence. For example, he claims that he has made significant progress in paying off his indebtedness. This argument is not persuasive. Applicant failed to provide documentation corroborating his efforts to resolve the debts. As the Appeal Board has previously stated, it is reasonable for a Judge to expect that an applicant should present corroborating documentation of actions taken to resolve debts. *See, e.g.*, ISCR Case No. 19-01599 at 3 (App. Bd. Jan. 15, 2020).

Applicant also argues that the Judge did not properly apply the whole-person concept. He notes, for instance, that his debt is decreasing, that the debts arose because of a divorce, that he ignored the debts because he did not want to think about the divorce, that he is a valued and trusted employee, that he has no personal conduct issues, and that he has never had any issues involving his access to classified information. The presence of some mitigating evidence does not alone compel the Judge to make a favorable security clearance decision. As the trier of fact, the Judge has to weigh the evidence as a whole and decide whether the favorable evidence outweighs the unfavorable evidence, or *vice versa*. 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. 19-01431 at 4 (App. Bd. Mar. 31, 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