

KEYWORD: Guideline F

DIGEST: Applicant asks the Board to investigate the cause of his financial situation and to reconsider the Judge’s decision. The Board does not review a case de novo. In other words, we do not take a fresh, new look at the evidence to determine whether or not a security clearance should be granted or continued. Our review is limited to addressing material issues raised by the parties regarding the proceedings below, including the Judge’s decision. Directive ¶ E3.1.32. We only reverse or remand a Judge’s decision to correct a harmful error that a party has identified. Directive ¶¶ E3.1.33.2 and E3.1.33.3. Adverse decision affirmed.

CASE NO: 20-01386.a1

DATE: 07/13/2021

DATE: July 13, 2021

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In Re:)	
)	
-----)	ISCR Case No. 20-01386
)	
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 October 7, 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 hearing. On April 13, 2021, after the hearing, Administrative Judge Richard A. Cefola 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 14 delinquent debts. In his analysis of the evidence, the Judge noted that Applicant attributed his financial problems to a divorce and, while his financial situation has improved, he has not yet addressed most of his delinquencies. The Judge concluded that the record evidence left him with doubts as to Applicant eligibility for a security clearance.

In his appeal brief, Applicant asserts that he paid debts owed to a particular collection agency and paid a Federal tax debt for a particular year. The Judge, however, found in favor of Applicant on those debts.

Applicant also contends that he is making regular payments to the IRS for his remaining tax debt, that his credit reports reflect that he has significantly lowered his indebtedness in recent years, that he has not incurred any additional delinquent debts since 2019, and that a costly divorce and the raising of his children are the reasons for his financial problems. His arguments are not sufficient to rebut the presumption that the Judge considered all of the evidence in the record or enough to establish 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 asks the Board to investigate the cause of his financial situation and to reconsider the Judge’s decision. The Board does not review a case *de novo*. In other words, we do not take a fresh, new look at the evidence to determine whether or not a security clearance should be granted or continued. Our review is limited to addressing material issues raised by the parties regarding the proceedings below, including the Judge’s decision. Directive ¶ E3.1.32. We only reverse or remand a Judge’s decision to correct a harmful error that a party has identified. Directive ¶¶ E3.1.33.2 and E3.1.33.3.

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