

KEYWORD: Guideline F

DIGEST: Applicant notes that one of her documents cites to the President’s decision to hold student loan payments in abeyance as a Covid 19 emergency relief measure. Applicant’s argument is not sufficient to rebut the presumption that the Judge considered all of the evidence in the record, nor has Applicant shown that the Judge weighed the evidence in a manner that was arbitrary, capricious, or contrary to law. The Judge found that Applicant’s student loans became delinquent by 2017, several years prior to the President’s issuance. The Judge properly considered Applicant’s financial history. Adverse decision affirmed.

CASE NO: 20-03208.a1

DATE: 07/06/2021

DATE: July 6, 2021

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In Re: )	
)	
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)	
)	
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 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 decision on the written record. On April 20, 2021, after considering the record, Defense Office of Hearings and Appeals (DOHA) Administrative Judge Roger C. Wesley denied Applicant’s request for a security clearance. Applicant appealed pursuant to Directive ¶¶ E3.1.28 and E3.1.30.

Applicant’s SOR alleges four delinquent student loan debts. The Judge entered adverse findings for each allegation. He stated that Applicant did not present sufficient evidence regarding the reasons her loans went into delinquency, nor did she demonstrate a track record of debt payment. Applicant contends on appeal that she submitted documents that the Judge did not receive. She attached these documents to her brief. Although we cannot consider new evidence, we will consider such matters insofar as they bear upon threshold issues such as due process. *See, e.g.*, ISCR Case No. 18-01764 at 1-2 (App. Bd. Jun. 4, 2019). In this case, the documents that Applicant has attached to her brief are, in fact, included in the record. Applicant has presented no reason to believe that she was denied an opportunity to present evidence.

Applicant notes that one of her documents cites to the President’s decision to hold student loan payments in abeyance as a Covid 19 emergency relief measure. Applicant’s argument is not sufficient to rebut the presumption that the Judge considered all of the evidence in the record, nor has Applicant shown that the Judge weighed the evidence in a manner that was arbitrary, capricious, or contrary to law. *See, e.g.*, ISCR Case No. 18-02872 at 3 (App. Bd. Jan. 15, 2020). The Judge found that Applicant’s student loans became delinquent by 2017, several years prior to the President’s issuance. The Judge properly considered Applicant’s financial history. *Cf.* ISCR case No. 20-01527 at 2 (App. Bd. Jun. 7, 2021). Applicant states that her career aspirations may be impaired if she does not have a clearance. The Directive does not permit us to consider the impact of an adverse decision. *See, e.g.*, ISCR Case No. 17-03024 at 3 (App. Bd. Jan. 9, 2020).

The record supports a conclusion that the Judge examined the relevant data and articulated a satisfactory explanation for the decision, “including a ‘rational connection between the facts found and the choice made.’” *Motor Vehicle Mfrs. Ass’n of the United States v. State Farm Mut. Auto. Ins. Co.*, 463 U.S. 29, 43 (1983)(quoting *Burlington Truck Lines, Inc. v. United States*, 371 U.S. 156, 168 (1962)). The Judge’s adverse 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 Y. Ra'anan  
Michael Y. 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