



**DEPARTMENT OF DEFENSE  
DEFENSE LEGAL SERVICES AGENCY  
DEFENSE OFFICE OF HEARINGS AND APPEALS  
APPEAL BOARD  
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KEYWORD: Guideline F

DIGEST: Even though the Judge may have erred in his finding about the year of the car repossession, it was a harmless error because it did not likely affect the outcome of the case. Adverse Decision is Affirmed.

CASE No: 19-03450

DATE: 10/18/2021

Date: October 18, 2021

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In the matter of:		)
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Applicant for Security Clearance		)
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ISCR Case No. 19-03450

**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 January 30, 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 July 9, 2021, after the hearing, Administrative Judge Robert E. Coacher denied Applicant's request for a security clearance. Applicant appealed pursuant to Directive ¶¶ E3.1.28 and E3.1.30.

Applicant raised the following issues on appeal: whether the Judge erred in his findings of fact and whether the Judge's adverse decision was arbitrary, capricious, or contrary to law. Consistent with the following, we affirm the Judge's decision.

### **The Judge's Findings of Fact and Analysis**

Applicant is in his thirties, is unmarried with a minor child, and has earned a bachelor's degree. He began working for a Federal contractor in 2018. His supervisors describe him as honest, forthcoming, dependable, and responsible.

The SOR alleged that Applicant had eight delinquent debts totaling over \$36,400. In responding to the SOR, he admitted each allegation. He experienced conditions beyond his control that contributed to his financial problems, such as raising a child while attending college, helping his mother financially, and short periods of unemployment, but he did not act reasonably under circumstances. In early 2021, he entered into a five-month contract with a debt relief company to negotiate settlements with creditors. The company advised him to pay the smaller debts first as he worked his way up to the larger ones. Following that advice, he resolved two of the debts totaling nearly \$4,000 after the SOR was issued, but the other debts remained unresolved. The unresolved debts include the balance owed on a repossessed car, credit card delinquencies, and student loans. Only after the hearing did he initiate action to rehabilitate the student loans. With the exception of his contract with the debt relief company, he presented no evidence that he received financial counseling. His indebtedness is recent, ongoing, and not under control. His actions to resolve the debts are "too little, too late." Decision at 6.

### **Discussion**

Applicant contends the Judge erred in finding the car repossession occurred in 2018. Applicant asserts the car was repossessed in 2016. Credit reports reflect that the last activity on this debt occurred in either 2016 or 2018. Government Exhibit (GE) 3 at 2, GE 4 at 1, and GE 5 at 4. In his background interview, Applicant reportedly stated the car was repossessed in 2016. GE 2 at 5. Even though the Judge may have erred in his finding about the year of the car repossession, 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).

Applicant's remaining arguments amount to a disagreement with the Judge's weighing of the evidence. He argues, for example, that his debts are old and he is now in a better financial position that permits him to focus on resolving them. Additionally, he highlights the conditions beyond his control that contributed to his financial problems, points out that his debt relief contract was the only form of evidence he had of financial counseling, and emphasizes his good security

record. None of his arguments are 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. 18-02592 at 5 (App. Bd. Jan. 6, 2021). Applicant also notes that loss of a security clearance may affect his employment, but the Directive does not permit us to consider the impact of an unfavorable decision. *See, e.g.*, ISCR Case No. 19-01206 at 2 (App. Bd. May 13, 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.

### **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