



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

DIGEST: In his decision, the Judge noted the mortgaged property was ultimately sold at an auction for \$95,600, and Applicant claimed the proceeds of the sale were to be applied toward the outstanding mortgage balance. She failed, however, to provide corroborating documentation. Applicant’s appeal brief contains documents and assertions that were not presented to the Judge for consideration, including a document concerning the mortgage, which appears to reference activity that post-dates the close of the record. The Appeal Board is prohibited from considering new evidence on appeal. Adverse decision is affirmed.

CASENO: 19-03792.a1

DATE: 12/20/2021

Date: December 20, 2021

<p>In the matter of:</p> <p style="text-align: center;">-----</p> <p>Applicant for Security Clearance</p>	<p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p>	<p>ISCR Case No. 19-03792</p>
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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 August 21, 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 October 4, 2021, after considering the record, Administrative Judge Arthur E. Marshall, Jr., 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 a delinquent mortgage account of about \$62,800, a charged-off debt of about \$845, and a state tax levy of about \$6,100. In responding to the SOR, Applicant admitted the three debts with explanations. The Judge found against Applicant on the mortgage account and for her on the other two debts.

In his decision, the Judge noted the mortgaged property was ultimately sold at an auction for \$95,600, and Applicant claimed the proceeds of the sale were to be applied toward the outstanding mortgage balance. She failed, however, to provide corroborating documentation. Applicant’s appeal brief contains documents and assertions that were not presented to the Judge for consideration, including a document concerning the mortgage, which appears to reference activity that post-dates the close of the record. The Appeal Board is prohibited from considering new evidence on appeal. Directive ¶ E3.1.29. Applicant’s brief also presents arguments regarding the alleged tax levy. Her arguments regarding the tax levy need not be addressed because the Judge found in favor of her on that allegation.

None of Applicant’s arguments are sufficient to establish the Judge weighed the evidence in a manner that is arbitrary, capricious, or contrary to law. Directive ¶ E3.1.32.3. She 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 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 national security.”

Order

The decision is **AFFIRMED**.

Signed: Michael Ra'anan
Michael Ra'anan
Administrative Judge
Chairperson, Appeal Board

Signed: Moira D. Modzelewski
Moira D. Modzelewski
Administrative Judge
Member, Appeal Board

Signed: James F. Duffy
James F. Duffy
Administrative Judge
Member, Appeal Board