

KEYWORD: Guidleline F

DIGEST: Applicant challenges the Judge’s finding that he is receiving disability pay. This finding reads, “Applicant currently earns between \$85,000 and \$87,000 per year, depending on overtime, plus disability pay of about \$1,000 per month. (Tr. 27, 29)” Decision at 4. Applicant’s challenge has some merit. In his testimony, Applicant stated he was going to start receiving disability pay of about \$1,000 from the Department of Veteran Affairs but did not state he was receiving such payments at that time. On the other hand, the Judge’s discussion of the disability pay on Page 3 of the Decision, which notes Applicant was waiting to receive such pay, is much more consistent with his testimony. While the Judge may have erred regarding Applicant’s receipt of disability pay, it does not constitute a harmful error because it did not likely affect the outcome of the case. Adverse decision affirmed.

CASE NO: 19-03863.a1

DATE: 04/07/2021

DATE: April 7, 2021

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In Re:	)	
	)	
-----	)	ISCR Case No. 19-03863
	)	
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 April 29, 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 January 25, 2021, after the hearing, Administrative Judge LeRoy F. Foreman denied Applicant’s request for a security clearance. Applicant appealed pursuant to Directive ¶¶ E3.1.28 and E3.1.30. For the reasons stated below, we affirm the Judge’s decision.

The SOR alleged that Applicant had seven delinquent debts totaling about \$35,150. Applicant admitted four SOR allegations with the largest debts and denied the remaining three allegations with debts that totaled about \$680. The Judge found in favor of Applicant on an alleged credit card debt of about \$8,700 because he made payments that significantly reduced its balance. The Judge found against Applicant on the remaining allegations, noting that he had taken no action concerning two of the larger debts and did not begin taking action on the other debts until he was confronted about them in a background interview. The Judge concluded that Applicant did not present sufficient evidence to mitigate the alleged security concerns.

In his appeal brief, Applicant challenges the Judge’s finding that he is receiving disability pay. This finding reads, “Applicant currently earns between \$85,000 and \$87,000 per year, depending on overtime, plus disability pay of about \$1,000 per month. (Tr. 27, 29)” Decision at 4. Applicant’s challenge has some merit. In his testimony, Applicant stated he was going to start receiving disability pay of about \$1,000 from the Department of Veteran Affairs but did not state he was receiving such payments at that time. *Id.* On the other hand, the Judge’s discussion of the disability pay on Page 3 of the Decision, which notes Applicant was waiting to receive such pay, is much more consistent with his testimony. While the Judge may have erred regarding Applicant’s receipt of disability pay, it does not constitute a harmful 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 other arguments amount to a disagreement with the Judge’s weighing of the evidence. For example, he highlights that his child support payments of about \$14,400 per year greatly impact his ability to satisfy the alleged debts, that he has had access to sensitive information in the past without any issues, that he is not subject to coercion or exploitation, that he has been meeting his current financial obligations for years, and that he was not living beyond his means when he incurred the alleged debts. An ability to argue for an alternative interpretation of the evidence is not 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. 19-01400 at 2 (App. Bd. Jun. 3, 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