



**DEPARTMENT OF DEFENSE**  
**DEFENSE LEGAL SERVICES AGENCY**  
**DEFENSE OFFICE OF HEARINGS AND APPEALS**  
**APPEAL BOARD**  
**POST OFFICE BOX 3656**  
**ARLINGTON, VIRGINIA 22203**  
**(703) 696-4759**

Date: March 24, 2022

In the matter of:	)	
	)	
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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 14, 2020, DoD issued a statement of reasons (SOR) advising Applicant of the basis of that decision—security concerns raised under Guideline G (Alcohol Consumption), Guideline H (Drug Involvement and Substance Misuse), Guideline F (Financial Considerations), and Guideline E (Personal Conduct) of DoD Directive 5220.6 (January 2, 1992, as amended) (Directive). Applicant requested a decision on the written record. On February 1, 2022, Defense Office of Hearings and Appeals (DOHA) Administrative Judge Robert Robinson Gales denied Applicant’s request for a security clearance. Applicant appealed pursuant to Directive ¶¶ E3.1.28 and E3.1.30.

Under Guideline G, the SOR alleged four alcohol concerns. Under Guideline H, the SOR alleged two drug concerns, including long-term marijuana use and drug use while holding a security clearance. Under Guideline F, the SOR alleged two delinquent debts to the same credit union, totaling approximately \$13,000. Under Guideline E, the SOR cross-alleged all those behaviors, but also alleged four falsifications, to include falsifications on his security clearance

application, on his response to interrogatories, and to a licensed psychologist, all having to do with Applicant's alcohol and drug use history. The Judge found against Applicant on all allegations.

On appeal, Applicant represents that he mailed evidence to the Judge on November 29, 2021, regarding the Guideline F allegations. However, the record establishes that Applicant received the Government's file of relevant material (FORM) on September 2, 2021, that he was advised to submit any response within 30 days of receipt, that he timely submitted a one-page letter, that the record was closed on October 2, 2021, and that the case was forwarded to the Judge for decision on December 13, 2021. The record contains no indication that Applicant requested an extension of the 30-day deadline. Applicant has not made a *prima facie* showing that he requested an extension of time, that his request was approved, and that he subsequently submitted any documents within the new deadline. A review of the entire record discloses no basis to conclude that Applicant was denied the rights due him under the Directive. *See, e.g.*, ISCR Case No. 16-01237 at 2 (App. Bd. Dec. 5, 2017).

Moreover, our review of the record confirms that, had the Judge received and considered the mailed documents, it would likely have had no impact on his decision. Assuming *arguendo* that the documents resolved the Guideline F concerns, the record evidence is more than sufficient to support the Judge's denial based on the remaining allegations under Guidelines G, H, and E. Applicant's appeal brief makes no other assertion of harmful error on the part of the Judge. Applicant has failed to meet his burden of demonstrating an error that likely impacted the outcome of the case.

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: James F. Duffy

James F. Duffy  
Administrative Judge  
Chairperson, Appeal Board

Signed: James E. Moody

James E. Moody  
Administrative Judge  
Member, Appeal Board

Signed: Moira Modzelewski

Moira Modzelewski  
Administrative Judge  
Member, Appeal Board