

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