

On appeal, Applicant represents that he submitted evidence for the Judge's consideration on November 11, 2021, that he contacted DOHA to verify receipt, but that he never received a response. However, the record establishes that Applicant received the Government's file of relevant material (FORM) on August 31, 2021, that he was advised to submit any response within 30 days of receipt, that he failed to submit any response, and that the case was forwarded to the Judge for decision on October 1, 2021. The record contains no indication that Applicant requested an extension of the 30-day deadline. Applicant did not provide or identify the evidence he purportedly sent in November 2021. 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).

Applicant presumes the decision was based on speculation because financial information "was never requested or queried." Appeal Brief at 2. This contention is inaccurate. The record contains Applicant's credit reports, SOR Response, and response to interrogatories. If Applicant wanted the Judge to consider additional evidence, the burden was on him to present it in a timely manner. Directive E3.1.7 and E3.1.15.

Applicant's appeal brief makes no other assertion of harmful error on the part of the Judge. Instead, Applicant re-states information regarding his debts that was previously provided to the Judge in his answer to the SOR. The Appeal Board does not review cases *de novo*. Applicant has failed to meet his burden of demonstrating error below.

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