

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: May 5, 2022
In the matter of:)	
)))	ISCR Case No. 20-00118
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 June 9, 2021, 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 August 5, 2021, Applicant received his copy of the Government's File of Relevant Material (FORM) and timely submitted matters in response. On December 17, 2021, after considering the record, Administrative Judge Paul J. Mason denied Applicant's request for a security clearance. Applicant appealed pursuant to Directive ¶ E3.1.28 and E3.1.30.

The SOR alleged two delinquent student loan debts totaling approximately \$78,500, a child support arrearage of approximately \$31,300, and six smaller delinquent debts totaling approximately \$8,500. In his Answer to the SOR, Applicant asserted that he was making payments

on the student loans, the child support arrearage, and one consumer debt and denied the remaining consumer debts, representing that they had been paid. The Judge found against Applicant on all nine allegations.

In responding to the FORM, Applicant provided four letters from various collection agencies, each indicating that a specific account was paid or settled. Because the account numbers in the four collection letters did not clearly match the account numbers in the credit reports of record, the Judge was unable to determine whether any of the collection letters pertained to the alleged delinquent consumer accounts. In our review, we determined that one of the letters confirms that Applicant satisfied the consumer debt listed at SOR ¶ 1.d. in the approximate amount of \$1,017. We conclude that this error was harmless, as it did not likely affect the outcome of the case, which alleged an aggregate debt of over \$118,000. See, e.g., ISCR Case No. 19-01220 at 3 (App. Bd. Jun. 1, 2020).

Applicant's appeal brief makes no assertion of harmful error on the part of the Judge. Instead, Applicant asserts that he was given insufficient time to provide necessary documents during the initial investigation, that he has paid all debts in full, and that he has the documents to prove payments on all accounts. The record before us contains no evidence of any time constraints that may have been imposed during the initial investigation. However, it provides ample evidence that Applicant was provided the requisite time to respond both to the SOR and the FORM with any documents that he wanted to have considered in the adjudication of his clearance. He responded in a timely fashion to both the SOR and FORM, without requesting an extension. 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).

The Judge examined the relevant evidence and articulated a satisfactory explanation for his 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 \P 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: Jennifer I. Goldstein Jennifer I. Goldstein Administrative Judge Member, Appeal Board

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