



**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 4, 2022

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 In the matter of:)
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)
 Applicant for Security Clearance)
 _____)

ISCR Case No. 20-01254

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 November 17, 2020, DoD issued a statement of reasons (SOR) advising Applicant of the basis for that decision—security concerns raised under Guideline F (Financial Considerations) and Guideline K (Handling Protected Information) of DoD Directive 5220.6 (January 2, 1992, as amended) (Directive). Applicant requested a hearing. On February 9, 2022, after close of the record, Defense Office of Hearings and Appeals (DOHA) Administrative Judge Richard A. Cefola denied Applicant’s request for a security clearance. Applicant appealed pursuant to Directive ¶¶ E3.1.28 and E3.1.30.

The SOR lists nine Guideline F allegations and three Guideline K allegations. The Judge found against Applicant on four Guideline F allegations (SOR ¶¶ 1.a – 1.d, four delinquent debts totaling about \$19,200) and found in favor of him on the remaining allegations. The majority of Applicant’s arguments in his appeal brief are directed at the Judge’s favorable findings. Since Department Counsel has not contested the Judge’s favorable findings, we need not address Applicant’s arguments regarding them.

Of note, the Judge made no findings of fact, other than his formal findings, regarding the debt in SOR ¶ 1.d, and Applicant makes no assertion of error on appeal regarding that unfavorable finding. In his brief, Applicant does assert that the debts in SOR ¶¶ 1.a – 1.c will be resolved when his divorce is finalized. The Judge found that Applicant made similar arguments regarding the debts in SOR ¶¶ 1.a and 1.b, noting Applicant claimed he was awaiting the proceeds from the sale of his community-property house to address these debts. In that regard, the Judge also noted that nothing in the property-transfer documentation mentioned the creditors in SOR ¶¶ 1.a and 1.b. From our review of the record, Applicant has failed to show the Judge erred in his unfavorable findings regarding SOR ¶¶ 1.a – 1.d.

In his brief, Applicant also contends that he is not a security risk by pointing to his service to the United States over the years. None of his arguments are enough to rebut the presumption the Judge considered all of the record evidence or sufficient to show the Judge weighed the evidence in manner that was arbitrary, capricious, or contrary to law. *See, e.g.*, ISCR Case No. 19-01234 at 3 (App. Bd. Jun. 24, 2020).

Applicant failed to establish that the Judge committed any harmful error. The Judge examined the relevant evidence and articulated a satisfactory explanation for the decision. The decision is sustainable on the record. “The general standard is that a clearance may be granted only when ‘clearly consistent with 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 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 D. Modzelewski

Moira D. Modzelewski
Administrative Judge
Member, Appeal Board