

Date: September 27, 2022

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In the matter of:	)	
	)	
-----	)	ISCR Case No. 20-03176
	)	
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 18, 2020, 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 hearing. On July 29, 2022, after the record closed, Defense Office of Hearings and Appeals (DOHA) Administrative Judge Arthur E. Marshall, Jr. denied Applicant’s request for a security clearance. Applicant appealed pursuant to Directive ¶¶ E3.1.28 and E3.1.30.

The SOR alleged 13 delinquent debts totaling about \$121,000. The Judge found favorably for Applicant on five debts and adversely on the remaining eight. On appeal, Applicant asserts that he submitted documents after close of the record that were not considered by the Judge. Consistent with the following, we affirm.

At the hearing, Applicant offered 15 exhibits (AE A–O), which were admitted into evidence. At Applicant’s request, the Judge kept the record open until April 5, 2022. In early April, Applicant submitted seven documents, which were accepted as AE P–V, and the record closed. By emails dated May 18, 2022 and May 20, 2022, Applicant requested that the Judge consider additional information submitted by email—specifically, that the anticipated sale of his house was complete, allowing him to resolve all remaining SOR debts. The Judge reopened the record on June 1, 2022, to accept the two emails, marked them as AE W–X, and then again closed the record.

In his appeal brief, Applicant asserts that he subsequently mailed additional documents to prove the sale of his house and payment of outstanding debts. Applicant states that the documents were mailed after the record closed as he “didn’t receive all the proof until after the case was closed by the judge.” Appeal Brief at 1. The Judge’s decision, however, explicitly states that “[n]o documentation . . . was submitted reflecting that any of the debts to be paid with the proceeds from the home sale were transacted or satisfied.” Decision at 5. The record contains no indication that Applicant requested an extension of time, that his request was approved, and that he subsequently submitted any documents within the new deadline. Indeed, there is nothing in Applicant’s brief or elsewhere in the record to substantiate his claim that he mailed any additional documents to the Judge, regardless of timing. A review of the entire record discloses no basis to conclude that Applicant was denied the due process afforded by the Directive. *See, e.g.*, ISCR Case No. 20-01829 at 2 (App. Bd. Mar. 24, 2022).

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 ¶ 2(b): “Any doubt concerning personnel being considered for national security eligibility will be resolved in favor of the national security.”

**Order**

The Decision of the Judge 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