



**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: September 27, 2022

In the matter of:	)	
	)	
-----	)	ISCR Case No. 22-00013
	)	
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 February 24, 2022, DoD issued a statement of reasons (SOR) advising Applicant of the basis for that decision—security concerns raised under Guideline F (Financial Considerations) of DoD Directive 5220.6 (January 2, 1992, as amended) (Directive). Applicant requested a decision on the written record. On August 15, 2022, after considering the written record, Defense Office of Hearings and Appeals (DOHA) Administrative Judge Juan J. Rivera denied Applicant’s request for a security clearance. Applicant appealed pursuant to Directive ¶¶ E3.1.28 and E3.1.30.

The SOR alleged that Applicant had ten delinquent debts totaling about \$79,000. The Judge found against Applicant on all of the alleged debts. In his brief, Applicant asserts that he responded to the SOR on February 24, 2022, and his company failed to submit it. We note Applicant’s SOR Response as well as his forum request dated February 24, 2022, are in the record. He further contends his SOR Response contains proof that he satisfied three of the debts and received financial counseling. To the extent Applicant may be claiming his due process rights were infringed, he has failed to establish a *prima facie* case that he was denied any due process

rights afforded him under the Directive. *See, e.g.*, ISCR Case No. 16-01237 at 2 (App. Bd. Dec. 5, 2017).

Applicant further argues that his financial problems were largely beyond his control, occurred under circumstances that are unlikely to recur, and will be resolved through good-faith efforts. None of his arguments, however, are enough to rebut the presumption that the Judge considered all of the record evidence or to demonstrate the Judge weighed the evidence in a manner that was arbitrary, capricious, or contrary to law. *See, e.g.*, ISCR Case No. 21-01169 at 5 (App. Bd. May 13, 2022).

Applicant failed to establish 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