Date: September 14, 2022

In the matter of:

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Applicant for Security Clearance

ISCR Case No. 20-01203

### **APPEAL BOARD DECISION**

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#### **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 September 1, 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 DoD Directive 5220.6 (January 2, 1992, as amended) (Directive). Applicant requested a hearing. On May 6, 2022, after close of the record, Defense Office of Hearings and Appeals (DOHA) Administrative Judge Mark Harvey denied Applicant's request for a security clearance. Applicant appealed pursuant to Directive ¶ E3.1.28 and E3.1.30. For reasons stated below, we affirm the decision.

The SOR sets forth 16 allegations. The Judge found in favor of Applicant on 12 of those allegations. Those favorable findings were not raised as an issue on appeal. The Judge found against Applicant on allegations that asserted he failed to file his Federal income tax return for 2016 as required, that he was indebted to the Federal Government for \$1,500 in delinquent taxes, that he had a collection account of about \$43,000, and that he was evicted from a rental property in 2017 and owes the lessor of about \$2,700.

In his appeal brief, Applicant asserts the Judge did not take into account that alleged debts were settled or paid off. In support of that claim, he submits documents concerning those debts that were admitted into evidence at the hearing. Most of these documents, however, pertain to SOR allegations that the Judge found in favor of Applicant. This assignment of error has no merit.

Applicant contends that the Judge did not take into account the progress he has made in resolving judgments and asserts that, if his clearance is reinstated, he will stay current on his debts. None of his arguments 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 also asserts that loss of his security clearance would have a negative impact on him. However, the adverse impact of an unfavorable decision is not relevant in evaluating clearance eligibility. *See, e.g.*, ISCR Case No. 17-03024 at 3 (App. Bd. Jan. 9, 2020).

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  $\P$  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**.

<u>Signed: James F. Duffy</u> 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