

allegations, with explanation. The Judge found for Applicant on eight debts and against Applicant on the remainder, which totaled over \$45,000.¹

In finding against Applicant, the Judge determined that Applicant's financial problems resulted both from circumstances beyond his control and within his control. In listing the circumstances that were within Applicant's control, the Judge included Applicant's decision to pay some debts belonging to his in-laws and his decision "to address some of his in-law's debts before his own." Decision at 7. The Judge also noted that "Applicant admitted that he began to address his finances after he realized his clearance was in jeopardy." *Id.* On appeal, Applicant challenges these specific findings as "not true." Appeal Brief at 1.

On appeal, we review a Judge's challenged findings of fact to determine whether they are supported by substantial evidence, that is, "such relevant evidence as a reasonable mind might accept as adequate to support a conclusion in light of all the contrary evidence in the same record." Directive ¶ E3.1.32.1. Applicant asserts that he "[has] never taken over any debt or payment belonging to my in-laws." Appeal Brief at 1. However, our review of the record confirms that Applicant admitted that he is paying off a delinquent credit card account that his father-in-law opened to pay medical expenses. Tr. at 64. Moreover, the record confirms that Applicant testified that his security clearance interview alerted him to the gravity of his financial situation and prompted him to retain a debt relief service. *Id.* at 19. The Judge's challenged findings are supported by substantial evidence. Accordingly, we find no merit in Applicant's contention that the Judge erred in his factual findings.

Applicant's brief also contains financial details and assertions that were not previously presented to the Judge for consideration. The Appeal Board is prohibited from considering new evidence on appeal. Directive E3.1.29.

Applicant failed to establish the Judge committed any harmful error. The Judge examined the relevant data and articulated a satisfactory explanation for the decision. The decision is sustainable on this 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 the national security."

¹ The Judge failed to make a formal finding regarding SOR ¶ 1.j, a student loan in collection for over \$17,000. A fair reading of the decision reflects that the Judge intended to find against Applicant on this student loan. The Judge's error in the formal findings was not raised as an issue on appeal.

Order

The Decision is **AFFIRMED**.

Signed: James F. Duffy
James F. Duffy
Administrative Judge
Chairperson, Appeal Board

Signed: James E. Moody
James E. Moody
Administrative Judge
Member, Appeal Board

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