



**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: October 3, 2022

In the matter of:	)	
	)	
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	)	
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 17, 2021, 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 12, 2022, after considering the written record, Defense Office of Hearings and Appeals (DOHA) Administrative Judge Shari Dam 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 five delinquent student loans totaling over \$23,000 and two consumer debts placed for collection totaling over \$26,000. In responding to the SOR, Applicant admitted each allegation with explanations. The Judge found against Applicant on all of the allegations, noting these debts have been outstanding and unresolved for many years. The Judge concluded Applicant submitted insufficient evidence to mitigate the security concerns arising from the debts.

In his brief, Applicant submits a document that postdates the decision and makes assertions that were not presented to the Judge for consideration. The Appeal Board is prohibited from considering new evidence submitted in an appeal brief. Directive ¶ E3.1.29. None of the arguments that Applicant makes in his appeal brief are sufficient to establish the Judge committed any harmful error. Directive ¶ E3.1.32.

Based on our review of the record, we conclude 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