

Date: November 7, 2022

In the matter of:

Applicant for Security Clearance

ISCR Case No. 21-01510

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 July 19, 2022, after considering the record, Defense Office of Hearings and Appeals (DOHA) Administrative Judge Noreen A. Lynch 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 alleged that Applicant received a Chapter 7 bankruptcy in 2014 and that she had 19 delinquent debts totaling over \$29,000. In responding to the SOR, Applicant admitted 15 of the allegations and denied 4 delinquent debts totaling about \$5,700. The Judge concluded that, even though Applicant encountered conditions beyond her control that contributed to her financial problems and obtained the services of a debt relief company to assist in resolving the debts, the security concerns arising from Applicant’s alleged financial problems were not mitigated because she had a history of financial irresponsibility and did not demonstrate reliability or good judgment in handling the alleged debts.

In her appeal brief, Applicant makes assertions and submits documents that were not presented to the Judge for consideration. Those assertions and documents constitute new evidence that the Appeal Board is prohibited from considering. Directive ¶ E3.1.29.

Applicant points to certain evidence in arguing that particular mitigating conditions apply. However, an ability to argue for an alternative interpretation of the evidence is not sufficient to demonstrate error. *See, e.g.*, ISCR Case No. 19-01400 at 2 (App. Bd. Jun. 3, 2020). None of her arguments are sufficient 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. *Id.*

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

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