



**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: November 21, 2022

In the matter of:)	
)	
-----)	ISCR Case No. 22-00008
)	
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 25, 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 September 29, 2022, after considering the written record, Defense Office of Hearings and Appeals (DOHA) Administrative Judge Candace Le’i Garcia denied Applicant’s request for a security clearance. Applicant appealed pursuant to Directive ¶¶ E3.1.28 and E3.1.30.

The SOR, as amended, alleged that Applicant had 26 delinquent debts, consisting of 18 consumer debts totaling about \$32,000 and 8 medical debts totaling about \$1,800. The Judge found in favor of Applicant on two paid debts and against him on the remaining debts. The Judge noted that conditions beyond Applicant’s control contributed to his financial problems and that he provided proof of a \$100 payment toward an unresolved debt. In general, however, the Judge concluded that Applicant failed to provide documentation to corroborate his claims about efforts to resolve the debts and that he failed to mitigate the security concerns arising from the alleged debts.

Applicant's brief contains documents that were not presented to the Judge for consideration. Those documents constitute new evidence that the Appeal Board is prohibited from considering. Directive ¶ E3.1.29.

In his appeal brief, Applicant claims he provided documents that the Judge did not examine. The administrative record contains Applicant's responses to the SOR and Department Counsel's File of Relevant Material (FORM). In her decision, the Judge addressed documents contained in those responses. We resolve this assignment of error adversely to Applicant because his claim is not sufficient to rebut the presumption that the Judge considered all of the record evidence. *See, e.g.*, ISCR Case No. 19-03344 at 3 (App. Bd. Dec. 21, 2020).

Applicant makes no other claim that the Judge committed error. In requesting reconsideration of the Judge's decision, Applicant explains the reasons for his financial problems, asserts he is honestly trying to resolve the debts, and indicates the loss of his security clearance would negatively affect him. The Appeal Board does not review cases *de novo*, and the adverse impact of an unfavorable decision is not a relevant consideration in evaluating an individual's clearance eligibility. *See, e.g.*, ISCR Case No. 19-02397 at 1-2 (App. Bd. May 6, 2020). The Board's scope of review is limited to addressing material issues raised by the parties to determine whether the Judge committed harmful error. Directive ¶ E3.1.32. Because Applicant has failed to establish the Judge committed any harmful error, the decision denying his request for a security clearance is sustainable.

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: Moria Modzelewski
Moria Modzelewski
Administrative Judge
Member, Appeal Board