



**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: December 22, 2022

In the matter of:)	
)	
-----)	ISCR Case No. 20-03102
)	
Applicant for Security Clearance)	

APPEAL BOARD DECISION

APPEARANCES

FOR GOVERNMENT

Julie R. Mendez, Esq., Deputy Chief Department Counsel

FOR APPLICANT

Pro se

The Department of Defense (DoD) declined to grant Applicant a security clearance. On December 4, 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 decision on the written record. On November 8, 2022, after the record closed, Defense Office of Hearings and Appeals (DOHA) Administrative Judge Juan J. Rivera 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 15 delinquent debts, which include seven medical account totaling about \$1,200, two consumer debts totaling about \$1,400, and six student loans totaling over \$32,000. The Judge found against Applicant on one consumer debt allegation and the student loan allegations and in favor of her on the other allegations. Applicant admitted the student loans in responding to the SOR. In the decision, the Judge found that Applicant’s student loans were assigned for collection in 2014 and 2015, and that she entered into a repayment agreement to begin rehabilitating them in mid-2021. The Judge concluded, “Applicant failed to submit sufficient documentary evidence of her offers to resolve her financial problems before receipt of the SOR.” Decision at 7.

On appeal, Applicant states that she provided receipts and other documents showing her medical debts have been settled. As noted above, the Judge found in favor of the medical debts. There is no reason to conclude the Judge did not consider the documents that Applicant submitted concerning the medical debts.

Applicant notes that, in the whole-person analysis, the Judge stated, “If the Applicant continues on her present financial course, a security clearance could be in her future, but that time is not yet here.” Appeal Brief at 1, quoting from Decision at 7. Applicant next argues, “The Judges (sic) position was based on data from December 2020. It is now December of 2022 and I repaid all of my medical debts and I am in good standing with my student loans . . . I have taken the steps necessary to become financially stable and I continue to maintain my finances responsibly”. *Id.* at 1. In support of this and other arguments, Applicant presents documents that post-date the Judge’s decision. The Appeal Board, however, is prohibited from considering new evidence. Directive ¶ E3.1.29.

Regarding the student loans, Applicant highlights her efforts to resolve those debts and her interaction with the company handling those loans. Her arguments regarding those loans amount to a disagreement with the Judge’s weighing of the evidence. None of Applicant’s 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 failed to establish that 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: Jennifer I. Goldstein
Jennifer I. Goldstein
Administrative Judge
Member, Appeal Board

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