

Applicant has remedied the tax filing deficiencies and has been complying with a repayment plan. However, the Judge concluded the alleged security concerns were not mitigated, observing that Applicant’s efforts to remedy his financial problems occurred after he was placed on notice his security clearance was in jeopardy due to them.

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

Applicant contends that the Judge did not consider all the evidence. He also argues that he encountered conditions beyond his control contributing to his financial problems, that he acted responsibly under the circumstances, and that he is financially stable. None of his arguments, however, are enough to rebut the presumption that the Judge considered all of the evidence in the record or to demonstrate that the Judge weighed the evidence in a manner that was arbitrary, capricious, or contrary to law. *See, e.g.*, ADP Case No. 14-03077 at 3 (App. Bd. Oct. 22, 2015). Applicant also asserts that the loss of his trustworthiness designation will have a negative impact on him, but the negative consequence of an unfavorable decision is not a relevant consideration in making a trustworthiness determination. *See, e.g.*, ADP Case No. 17-01760 at 3 (App. Bd. Apr. 20, 2018).

Applicant failed to establish the Judge committed any harmful error. 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 standard applicable to trustworthiness cases is that set forth in *Department of the Navy v. Egan*, 484 U.S. 518, 528 (1988), *i.e.*, a trustworthiness determination “may be granted only when ‘clearly consistent with the interests of the national security.’” *See, e.g.*, ADP Case No. 17-03252 at 3 (App. Bd. Aug. 13, 2018). *See also Kaplan v. Conyers*, 733 F.3d 1148 (Fed. Cir. 2013), *cert. denied*.

Order

The decision is **AFFIRMED**.

Signed: James F. Duffy

Signed: Jennifer I. Goldstein

Signed: Moira Modzelewski

James F. Duffy
Administrative Judge
Chairperson, Appeal Board

Jennifer I. Goldstein
Administrative Judge
Member, Appeal Board

Moira Modzelewski
Administrative Judge
Member, Appeal Board