

application by failing to disclose those debts. Applicant attributed his financial issues to his transition from military service, a period of unemployment, divorce costs, and financial support for his parents who had health issues. Applicant admitted that he had falsified his SCA regarding his delinquent debts because he feared that his debts would affect his clearance. Applicant resolved a number of debts not alleged in the SOR. The Judge found for Applicant on three student loan debts and resolved a duplicate allegation. He found adversely to Applicant on the remaining five Guideline F allegations and on the Guideline E falsification allegation.

In addressing the mitigating conditions under Guideline F, the Judge concluded that several circumstances that caused the financial issues were beyond Applicant's control, but that Applicant failed to establish that he acted responsibly under the circumstances. Regarding the five remaining delinquent debts, Applicant "provided no documentary evidence that he has contacted the creditors or otherwise resolved the debts alleged." Decision at 8. In addressing the mitigating conditions under Guideline E, the Judge highlighted that Applicant intentionally falsified his SCA, denied financial problems when questioned by a background investigator, and admitted them only after he was confronted with adverse credit information. He concluded that Applicant failed to mitigate the security concerns raised by the falsification.

In his appeal brief, Applicant does not challenge any of the Judge's specific findings of fact. Rather, he contends the Judge failed to adhere to Executive Order 10865 and the Directive by not considering all of the record evidence and by not properly applying the mitigating conditions and whole-person concept. He argues, for example, that the Judge did not give appropriate weight to the circumstances that were beyond his control, to include his divorce, his period of unemployment, and his parents' medical issues. None of his arguments, however, are sufficient to rebut the presumption that the Judge considered all of the evidence in the record nor are they enough to show that the Judge weighed the evidence in a manner that was arbitrary, capricious, or contrary to law. *See, e.g.*, ISCR Case No. 19-01495 at 3 (App. Bd. Sep. 30, 2020).

Additionally, Applicant relies on hearing-level decisions in other cases to argue the Judge erred in his analysis of this case. Generally, how particular fact scenarios were adjudicated in other cases is not a relevant consideration in the Appeal Board's review of a case. *See, e.g.*, ISCR Case No. 19-03344 at 3-4 (App. Bd. Dec. 21, 2020). None of the hearing-level decisions that Applicant cites are sufficient to show the Judge erred in his analysis of this case.

Applicant has failed to establish any harmful error below. The Judge examined the relevant evidence and articulated a satisfactory explanation for the decision. The decision is sustainable.

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