

Date: January 27, 2023

In the matter of:)
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)
Applicant for Security Clearance)
_____)

ISCR Case No. 21-00418

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 April 19, 2021, DoD issued a statement of reasons (SOR) advising Applicant of the basis for that decision—security concerns raised under Guideline F (Financial Considerations) and Guideline G (Alcohol Consumption) of Department of Defense Directive 5220.6 (Jan. 2, 1992, as amended) (Directive). Subsequently, Department Counsel amended the SOR to add an additional allegation under Guideline G. Applicant requested a hearing. On November 14, 2022, after close of the record, Defense Office of Hearings and Appeals (DOHA) Administrative Mark Harvey denied Applicant’s request for a security clearance. Applicant appealed pursuant to Directive ¶¶ E3.1.28 and E3.1.30.

Under Guideline F, the SOR alleged 21 delinquent debts and two Chapter 13 bankruptcy dismissals. The Judge found against Applicant on one of the debts, a collection account arising from an automobile loan in the amount of about \$11,000, and entered favorable findings for the remainder. Under Guideline G, the SOR alleged four instances of DWI. The Judge resolved two of the DWI allegations in Applicant’s favor, entering adverse findings for the two most recent charges arising in 2018 and 2020. In the analysis, the Judge found that Applicant had not

demonstrated efforts to resolve the automobile loan despite having the financial ability to do so. He also concluded that too little time had passed to mitigate concerns arising from the most recent instances of DWI.

Under Guideline G, Applicant’s brief devotes a substantial amount of attention to problems and difficulties with the evidence underlying the two DWIs that the Judge resolved in his favor. Regarding the 2020 DWI, he reiterates record evidence about steps he took to ensure that he overcomes his problems with alcohol. Under Guideline F, Applicant discusses his efforts at resolving debts that the Judge had found in his favor, making no reference to the one that the Judge found against him. The thrust of his argument is that he is dedicated to resolving his financial problems. To the extent that Applicant is contending that the Judge failed to consider significant record evidence, we conclude that he has not rebutted the presumption to the contrary. Neither has he shown that the Judge weighed the evidence in a manner that was arbitrary, capricious, or contrary to law. *See, e.g.*, ISCR Case No. 18-02872 at 3 (App. Bd. Jan. 15, 2020).

Otherwise, Applicant has not raised an issue of harmful error by the Judge. Our jurisdiction is limited to cases in which the appealing party raises such errors. Directive ¶ E3.1.32. The Judge examined the relevant evidence and articulated a satisfactory explanation for the decision. The decision is sustainable on this record. “The general standard is that a clearance may be granted only when ‘clearly consistent with the interests of the 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 the 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