

concluded that Applicant failed to provide sufficient evidence that the 11 debts were being resolved or were under control and that her repetitive security infractions over a six-month period despite counseling and training were not mitigated. The Judge further concluded that Applicant's denial of the security infractions lacked credibility and undermined her judgment and reliability.

On appeal, Applicant contends the Judge "was rude, condescending, and would not allow [her] to complete [her] sentences." Appeal Brief at 1. We construe this assertion as a claim that the Judge was biased against her because he treated her unfairly. This assignment of error is not persuasive. There is a rebuttable presumption that a Judge is impartial and unbiased, and a party seeking to overcome that presumption has a heavy burden of persuasion. *See, e.g.*, ISCR Case No. 17-02391 at 2 (App. Bd. Aug. 7, 2018). We have examined the entire record and Decision, paying particular attention to the transcript of the hearing. We find nothing therein that would cause a reasonable person to question the Judge's impartiality in this case. The Judge's comments and questions, while short-tempered, appear to be efforts at hearing administration and to clarify Applicant's testimony. *Id.*, quoting *Liteky v. United States*, 510 U.S. 540 at 555-556 (1994) ("[E]xpressions of impatience, dissatisfaction, annoyance, and even anger" do not establish bias. "A judge's ordinary effort at courtroom administration—even a stern and short-tempered Judge's ordinary efforts at courtroom administration—remain immune."). Applicant has not rebutted the presumption that the Judge was unbiased or established that she was denied any due process afforded her under the Directive.

The remainder of Applicant's appeal brief consists of an explanation regarding the alleged debts and security violations. She does not specifically assert the Judge committed any error. To the extent that she is contending the Judge mis-weighed or did not consider record evidence, we find no merit in those assertions. None of her 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 also asserts that she cannot resolve her financial problems without a job. However, the adverse impact of an unfavorable security clearance decision is not a relevant consideration in evaluating clearance eligibility. *See, e.g.*, ISCR Case No. 19-02397 at 1-2 (App. Bd. May 6, 2020).

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