

Date: January 23, 2023

In the matter of:)	
)	
)	
-----)	ISCR Case No. 21-01487
)	
Applicant for Security Clearance)	

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 July 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 E (Personal Conduct) of Department of Defense Directive 5220.6 (Jan. 2, 1992, as amended) (Directive). Applicant requested a decision on the written record. On November 16, 2022, after considering the record, Defense Office of Hearings and Appeals (DOHA) Administrative Judge Braden M. Murphy denied Applicant’s request for a security clearance. Applicant appealed pursuant to Directive ¶¶ E3.1.28 and E3.1.30.

Applicant’s SOR alleges twelve delinquent debts, to include student loans and consumer debts. The Judge resolved four of them favorably to Applicant but entered adverse findings regarding the remainder. Applicant attributed his financial problems to a period of unemployment from November 2010 until May 2011. He was voluntarily unemployed during the winter of 2018-2019 as well. In addition, the Judge found against Applicant on a Guideline E allegation that in

2017 he had been late in paying his official travel card. The Judge concluded that Applicant had not demonstrated that his financial problems were due to circumstances beyond his control, nor had he shown a good-faith effort to resolve the debts that the Judge found against him. The Judge concluded that Applicant's failure to have paid his travel card evidences questionable judgment.

Applicant's brief asserts matters from outside the record, including written character references. We are not permitted to consider new evidence on appeal. Directive ¶ E3.1.29. Applicant cites to evidence of his work history, his military service, and his clearance history. To the extent that he is arguing that the Judge did not consider this evidence, we conclude that he has failed to rebut the presumption that the Judge considered all of the evidence in the record. 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).

Applicant states that he does not possess information that would make him a likely target for foreign intelligence officials. However, the concern under Guideline F is not simply that an applicant might be tempted to compromise classified information in order to pay his debts. The Directive states that failure to meet financial obligations may indicate a lack of good judgment or an unwillingness to abide by rules and regulations, thereby raising questions about the applicant's ability to protect classified information. Directive, Encl. 2, App. A ¶ 18. *See also* ISCR Case No. 15-01737 at 3 (App. Bd. Feb. 14, 2017).

Applicant has not demonstrated that the Judge committed harmful error. 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