

did not take responsible action to address his financial obligations until his security clearance was in peril, and he still has unresolved delinquent debt. Eligibility for access to classified information is denied. [Decision at 1.]

Applicant's appeal brief contains assertions and documents that were not presented to the Judge for consideration. In fact, some of those documents post-date the Judge's decision. We are prohibited from considering that new evidence. *See* Directive ¶ E3.1.29 ("No new evidence shall be received or considered by the Appeal Board.").

Applicant is apparently challenging the Judge's findings of fact by stating that he did not recall interviews with an investigator in March 2020 or in November 2021. Applicant is correct that there is no document in the Government's File of Relevant Material (FORM) showing that Applicant was interviewed in March 2020. However, the summary of his interview with an investigator in November 2021 is included in FORM, Item 3. The typographical error referencing a March 2020 interview instead of the actual November 2021 interview is harmless because it did not likely affect the outcome of the decision. *See, e.g.*, ISCR Case No. 18-02581 at 3 (App. Bd. Jan. 14, 2020). Applicant also asserts the Judge erred in finding that he has no children, noting he has a stepson, and in failing to find that he held a clearance since 1996. We find no merit in these latter assertions of error because Applicant failed to list that he had a stepchild in his security clearance application and only listed the granting of his last clearance in 2011. FORM, Item 2 at 21 and 31-32. The Judge's findings that Applicant had no children and has held a clearance since 2011 were supported by the evidence that was presented to her.

Applicant further contends the Judge failed to consider some evidence that he submitted in an email in July 2023. We note that Applicant's FORM Response contains several documents showing that he was making payments, including as late as July 2023, on two of the alleged debts. The Judge made findings that Applicant was making payments on these debts and that they are being resolved. None of Applicant's 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. 22-02225 at 2 (App. Bd. Jul. 27, 2023).

Applicant failed to establish that the Judge committed any harmful error or that he warrants any remedial action. 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 the interests of the national security.'" *Department of the Navy v. Egan*, 484 U.S. 518, 528 (1988). *See also* AG ¶ 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
Chair, Appeal Board

Signed: Gregg A. Cervi
Gregg A. Cervi
Administrative Judge
Member, Appeal Board

Signed: Allison Marie
Allison Marie
Administrative Judge
Member, Appeal Board