



**DEPARTMENT OF DEFENSE
 DEFENSE LEGAL SERVICES AGENCY
 DEFENSE OFFICE OF HEARINGS AND APPEALS
 APPEAL BOARD
 POST OFFICE BOX 3656
 ARLINGTON, VIRGINIA 22203
 (703) 696-4759**

Date: September 26, 2023

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

ISCR Case No. 22-01923

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 November 18, 2022, 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 the National Security Adjudicative Guidelines (AG) in Appendix A of Security Executive Agent Directive 4 (effective June 8, 2017) and DoD Directive 5220.6 (January 2, 1992, as amended) (Directive). Applicant requested a decision on the written record. In the File of Relevant Material (FORM), the Government withdrew the sole Guideline G allegation. On July 24, 2023, after considering the record, Defense Office of Hearings and Appeals Administrative Judge Charles C. Hale denied Applicant’s security clearance eligibility. Applicant appealed pursuant to Directive ¶¶ E3.1.28 and E3.1.30. For reasons stated below, we affirm the Judge’s decision.

Under Guideline F, the SOR alleged that Applicant had six delinquent debts totaling about \$14,400 and that he received a Chapter 7 bankruptcy discharge in 2016. In responding to the SOR, Applicant admitted with comments four of the debt allegations and the bankruptcy discharge allegation. The Judge found in favor of Applicant on two of the alleged debts and against him on

the other Guideline F allegations. The Judge concluded that, while Applicant's financial delinquencies were attributable to circumstances beyond his control, he did not provide sufficient evidence to show that he acted responsibly to resolve them.

On appeal, Applicant contends the Judge erred in failing to take "everything" into consideration. Appeal Brief at 1. He highlights that he made a move across the country, and his time and expenses were going towards pressing matters, such as an emergency custody hearing that arose because his ex-wife was using drugs around his sons. *Id.* He noted "other things got lost during the process" and, although "they should not have gotten to that point," his sons were his priority. *Id.* He contends that his ex-wife opened accounts in his name without his knowledge and argues that he has since taken care of all but one of the alleged debts, noting the remaining debt is under a payment plan and has been removed from a collection status.

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. 21-01169 at 5 (App. Bd. May 13, 2022). In the decision, the Judge found that Applicant attributed his debts to his second divorce and addressed the status of each alleged debt. The Judge noted that one alleged debt was disputed as fraudulent, three were either resolved or a payment plan was initiated after the SOR was issued, and another debt was no longer listed on his credit report. In concluding that the alleged security concerns were not mitigated, the Judge cited ISCR Case No. 15-03208 at 5 (App. Bd. Mar. 7, 2017) (an applicant who waits until his clearance is in jeopardy before resolving debts may be lacking in the judgment expected of those granted security clearance eligibility) and ISCR Case No. 14-03612 at 3 (App. Bd. Aug. 25, 2015) (mere evidence that debts no longer appear on a credit report is not reason to believe that they have been paid or resolved in a responsible manner).

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 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