



**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: October 12, 2023

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In the matter of:)	
)	
)	
-----)	ISCR Case No. 22-00804
)	
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 June 8, 2022, DoD issued a statement of reasons (SOR) advising Applicant of the basis for that decision—security concerns raised under Guideline F (Financial Considerations) 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 hearing. On August 7, 2023, after the record closed, Defense Office of Hearings and Appeals Administrative Judge Marc E. Curry 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.

The SOR alleged that Applicant had 27 delinquent debts totaling about \$45,000. In responding to the SOR, Applicant admitted all but one of the allegations. The Judge found in favor of Applicant on five of the alleged debts totaling about \$2,000 and against her on the other allegations, concluding that she failed to mitigate the security concerns arising from her alleged financial problems.

On appeal, Applicant makes assertions and provides documents that were not submitted to the Judge for consideration. Some of those documents post-date the Judge’s decision. The Appeal Board is prohibited from receiving or considering new evidence. Directive ¶ E3.1.29.

Applicant contends that the Judge erred in stating she was late in emailing her post-hearing exhibits on July 26, 2023, when she timely submitted them six days earlier. The Judge noted that he marked the post-hearing exhibits and entered them into the record. The Judge’s error regarding the timeliness of the post-hearing submission was harmless because it did not likely affect the outcome of the case. *See, e.g.*, ISCR Case No. 18-02581 at 3 (App. Bd. Jan. 14, 2020).

The remainder of Applicant’s brief is an explanation of the reasons for her financial problems and the steps she has taken to resolve them. To the extent she is claiming the Judge failed to consider or properly analyze the evidence, none of her arguments are sufficient to rebut the presumption 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 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: Allision Marie
Allision Marie
Administrative Judge
Member, Appeal Board