



**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: January 29, 2024

In the matter of:	)	
	)	
-----	)	ISCR Case No. 22-01227
	)	
Applicant for Security Clearance	)	

**APPEAL BOARD DECISION**

**APPEARANCES**

**FOR GOVERNMENT**

Julie R. Mendez, Esq., Chief Department Counsel

**FOR APPLICANT**

*Pro se*

The Department of Defense (DoD) declined to grant Applicant a security clearance. On July 19, 2022, DoD issued a Statement of Reasons (SOR) advising Applicant of the basis of 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 (Jan. 2, 1992, as amended) (Directive). On December 5, 2023, Defense Office of Hearings and Appeals Administrative Judge Candace Le'i Garcia denied Applicant's security clearance eligibility. Applicant appealed pursuant to Directive ¶¶ E3.1.28 and E3.1.30.

Applicant is 40 years old and married. She is a disabled veteran receiving \$2,400 per month in veteran's disability compensation after serving honorably in the U.S. military from 2002 to 2008. She was unemployed from 2008 until 2014, during which time she attended college and cared for her family. Beginning in 2014, she was employed as a civilian Government employee until she left that position in April 2019 to recover from surgery. Since December 2019, she has worked for a number of Government contractors. The SOR alleged three delinquent credit card debts totaling approximately \$35,000. Applicant attributed these debts to the loss of her wallet and

credit cards; however, she acknowledged that the accounts had delinquencies that pre-dated that loss. The Administrative Judge concluded that although some of the debt may be attributable to unauthorized charges due to the loss of the credit cards and that Applicant undertook efforts to resolve this, Applicant had not sufficiently addressed the debts in a reasonable manner. Decision at 6. As such, she ruled adversely to Applicant as to the three allegations.

On appeal, Applicant submits new evidence regarding the current status of the debts. The Appeal Board does not review cases *de novo* and is prohibited from considering new evidence on appeal. Directive ¶ E3.1.29. Applicant has not established that the Judge committed harmful error. Our review of the record reflects that the Judge examined the relevant evidence and articulated a satisfactory explanation for the decision, which 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). “Any doubt concerning personnel being considered for national security eligibility will be resolved in favor of the national security.” AG ¶ 2(b).

### **Order**

The decision is **AFFIRMED**.

Signed: Moira Modzelewski

Moira Modzelewski  
Administrative Judge  
Chair, Appeal Board

Signed: James B. Norman

James B. Norman  
Administrative Judge  
Member, Appeal Board

Signed: Allison Marie

Allison Marie  
Administrative Judge  
Member, Appeal Board