



**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 18, 2024

In the matter of:	)	
	)	
-----	)	ISCR Case No. 22-01037
	)	
Applicant for Security Clearance	)	

**APPEAL BOARD DECISION**

**APPEARANCES**

**FOR GOVERNMENT**

Julie R. Mendez, Esq., Deputy Chief Department Counsel

**FOR APPLICANT**

*Pro se*

The Department of Defense (DoD) declined to grant Applicant a security clearance. On August 8, 2022, DoD issued a Statement of Reasons (SOR) advising Applicant of the basis of that decision – security concerns raised under Guideline F (Financial Considerations) and Guideline E (Personal Conduct) 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 November 1, 2023, 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.

Applicant is in his early 50s and married, with two adult children. He served in the military in the 1980s. As a federal contractor, he has experienced brief periods of unemployment between contracts, with the longest period of three months occurring in 2015. Under Guideline F, the SOR alleged seven delinquent debts totaling approximately \$19,700, three judgments totaling approximately \$149,100, a foreclosure in about 2017, and a Chapter 13 bankruptcy in about 2004. Under Guideline E, that SOR alleged that Applicant falsified his March 2020 security clearance application in that he deliberately failed to disclose the judgements, foreclosure, and delinquent debts described under Guideline F. The Judge found favorably for Applicant on three delinquent

debts and one judgement and adversely to him on the remaining Guideline F allegations and on the Guideline E allegations.

On appeal, Applicant first questions whether the Judge received a proof of payment that he submitted post-hearing. Our review of the decision and record confirms that the Judge received and considered the document. Applicant also seeks to clarify and correct some of his testimony from the hearing and to provide further context to his financial issues. 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: Gregg A. Cervi

Gregg A. Cervi  
Administrative Judge  
Member, Appeal Board

Signed: Allison Marie

Allison Marie  
Administrative Judge  
Member, Appeal Board