



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: March 6, 2024

In the matter of:)	
)	
)	
-----)	ISCR Case No. 22-01750
)	
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 September 30, 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 January 11, 2024, Defense Office of Hearings and Appeals Administrative Judge Gatha LaFaye denied Applicant’s security clearance eligibility. Applicant appealed pursuant to Directive ¶¶ E3.1.28 and E3.1.30.

The SOR alleged eight delinquent debts, including Federal student loan, consumer, utility, and auto loan accounts placed for collection or past due. The Judge found in Applicant’s favor on two of the allegations and against him on the remaining six debts, which totaled approximately \$116,000. Unable to find that Applicant acted responsibly under the circumstances or made a good faith effort to repay his debts, the Judge concluded that the record left doubts about Applicant’s security clearance suitability.

There is no presumption of error below and the appealing party has the burden of demonstrating that the judge committed factual or legal error. *See* ISCR Case No. 00-0050, 2001 WL 1044490 at *1 (App. Bd. Jul. 23, 2001). On appeal, Applicant makes no assertion of error on the part of the Judge, but rather reiterates his repayment efforts and requests reconsideration of the decision. The Appeal Board does not review cases *de novo* and our authority to review a case is limited to matters in which the appealing party has raised a claim of harmful error. Applicant has not alleged any such harmful error. Accordingly, the Judge's decision is affirmed.

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