

bankruptcies in 2019 and 2021 that were dismissed. In responding to the SOR, Applicant admitted each allegation with explanations. The Judge found against him on all of the allegations. In summarizing the decision, the Judge acknowledged that Applicant was supporting a large family with inconsistent income and employment, has health issues, but paid some debts and received financial counseling. However, after getting a fresh start from a 2015 bankruptcy, he financially overextended himself. Applicant still owes a number of debts, including three alleged in the SOR. His intentions to resolve financial problems in the future are not a substitute for a track record of debt repayment or other responsible approaches. He does not have a track record that would enable the Judge to trust that he will pay the remaining SOR debts, and he failed to act responsibly under the circumstances or make a good-faith effort to pay his debts.

Applicant's appeal reargues the case that was raised in response to the Government's File of Relevant Material and discusses new evidence. He does not assert that the Judge committed any harmful error, but that the Judge was not "privy to the ongoing efforts by myself to correct past circumstances and behavior which led to this my financial circumstances." Appeal Brief (AB) at 1. Applicant reiterated his personal and professional responsibilities and reliability despite his financial problems, the hardship reasons for his financial difficulties, the financial "mentorship" he is receiving, and his current efforts to resolve debts. AB at 1-2. He attached various documents attesting to his debt resolution efforts since the decision was issued.

We note that the Appeal Board is prohibited from considering new evidence on appeal. Directive ¶ E3.1.29. The Appeal Board does not review cases *de novo*. The Board's authority to review a case is limited to cases in which the appealing party has alleged the Judge committed harmful error. Directive ¶ E3.1.32.

Our review of the record indicates that the Judge examined the relevant evidence and articulated a satisfactory explanation for the decision. "The general standard is that a clearance may be granted only when 'clearly consistent with 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." Because Applicant has not alleged harmful error, the decision of the Judge denying Applicant security clearance eligibility is sustainable.

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: Gregg A. Cervi

Gregg A. Cervi
Administrative Judge
Member, Appeal Board