



**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 20, 2024

\_\_\_\_\_ )  
 In the matter of: )  
 )  
 )  
 ----- )  
 )  
 Applicant for Security Clearance )  
 \_\_\_\_\_ )

ISCR Case No. 23-00592

**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 April 12, 2023, 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 February 20, 2024, Defense Office of Hearings and Appeals Administrative Judge Braden M. Murphy denied Applicant’s security clearance eligibility. Applicant appealed pursuant to Directive ¶¶ E3.1.28 and E3.1.30.

The SOR alleged that Applicant misappropriated funds from her military unit’s booster club in 2019 and that she had seven delinquent debts. The Judge found against Applicant on the allegation that she misappropriated funds and on one delinquent debt and found in Applicant’s favor on the remaining six debts. Acknowledging that Applicant had resolved many of her SOR debts and that the booster club incident is several years old, the Judge nevertheless concluded that the financial security concerns were not fully mitigated in light of the prior conduct and ongoing delinquencies.

On appeal, Applicant does not challenge any of the Judge’s findings of fact but submits the reasons that she “believe[s] his judgment is flawed.” Appeal Brief at 1. Applicant reiterates evidence that was submitted at hearing and explicitly addressed by the Judge in his decision. To the extent that she disagrees with the Judge’s weighing of the evidence, none of her arguments are sufficient to establish the Judge weighed the evidence in a manner that was arbitrary, capricious, or contrary to law. Directive ¶ E3.132.3

Applicant has failed to establish that the Judge committed any harmful error or that she should be granted any relief on appeal. The Judge examined the relevant evidence and articulated a satisfactory explanation for the decision, which 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: Moira Modzelewski  
Moira Modzelewski  
Administrative Judge  
Chair, Appeal Board

Signed: Gregg A. Cervi  
Gregg A. Cervi  
Administrative Judge  
Member, Appeal Board

Signed: James B. Norman  
James B. Norman  
Administrative Judge  
Member, Appeal Board