

Applicant is in his early-50s and has been employed by a defense contractor since 2014. He married in 2007 and has four children. He retired from the U.S. Navy in 2011 and remained unemployed before obtaining his current employment. While separated from his spouse, they both accumulated delinquent debts alleged in the SOR as a result of financial mismanagement and spending beyond their means. The Judge found that Applicant failed to act on two credit-card debts; stopped payments on another credit-card debt that resulted in a default judgment and involuntary garnishment; and settled and paid two additional credit-card debts after they were charged off in 2018. Applicant testified that he has not sought or received financial counseling. When asked why he had not sought counseling, he responded, "I guess I'm a little stubborn and I don't like to have help." Tr. at 45. The Judge noted that Applicant paid \$22,000 for a car for his daughter's 16th birthday. In post-hearing submissions, Applicant resolved one debt via an involuntary garnishment, which does not qualify as a good-faith resolution, and he took no significant action to resolve four other debts until he realized that his security clearance was in jeopardy.

Applicant claims in his appeal that the Judge erred by stating he had no financial counseling, stating that he had received financial counseling from the Navy before he retired but was never able to implement the strategies suggested. Appeal Brief (AB) at 1. In testimony, Department Counsel asked Applicant, "Have you ever received financial counseling?" to which Applicant answered, "No sir." Applicant was then asked if he ever looked into financial management or financial counseling through the Department of Veterans Affairs, and Applicant answered, "No sir." When asked if he ever thought about it, he said he had, but he has not used such a program because "I guess I'm a little stubborn and I don't like to have help, I guess." Tr. at 45. We find the Judge's decision is consistent with Applicant's testimony. With regard to additional or clarifying evidence presented on appeal, the Appeal Board is prohibited from considering new evidence on appeal and does not review cases *de novo*. Directive ¶ E3.1.29.

Applicant also contends the Judge erred by stating he bought a car for his daughter. Applicant's statement of error is correct, but harmless. In testimony, Applicant stated that he bought a new car "a few months ago" for "himself," and he gave his other car to his daughter for her 16th birthday. Tr. at 48. The Judge's confusion regarding the possession of any particular vehicle is irrelevant to the ultimate findings with regard to Applicant's failure to resolve delinquent debts in a timely manner.

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
Member, 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