



**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: June 17, 2024

In the matter of:)	
)	
-----)	ISCR Case No. 23-01186
)	
Applicant for Security Clearance)	

APPEAL BOARD DECISION

APPEARANCES

FOR GOVERNMENT

Andrea M. Corrales, Esq., Deputy Chief Department Counsel

FOR APPLICANT

Pro se

The Department of Defense (DoD) declined to grant Applicant a security clearance. On August 16, 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). Applicant elected a decision based on the written record. On April 17, 2024, Defense Office of Hearings and Appeals Administrative Judge LeRoy F. Foreman denied Applicant’s security clearance eligibility. Applicant appealed pursuant to Directive ¶¶ E3.1.28 and E3.1.30.

The SOR alleged eight delinquent consumer debts, a failure to timely file federal tax returns for tax years 2017 through 2022, and a federal tax delinquency of approximately \$29,900. In Applicant’s answer to the SOR, he admitted the two federal tax allegations and three delinquent debts and denied five delinquent accounts. The Judge found against Applicant on all allegations. In his decision, the Judge noted that Applicant did not submit any additional information or documents in response to the Government’s file of relevant information (FORM).

On appeal, Applicant asserts that he submitted additional information via regular mail in response to the FORM, but he does not provide any evidence of the mailing (*e.g.*, the date of the mailing or the addressee and address to which it was mailed) or a copy of what was purportedly mailed. The record confirms that Applicant received a copy of the FORM on January 23, 2024, that the FORM itself and the accompanying cover letter advised Applicant regarding his right to respond, and that DOHA received no response prior to submitting the FORM to the Judge. Applicant’s bare assertion that he mailed a response is insufficient to establish a *prima facie* showing that he actually submitted documents that were not included in the record. Applicant has not established that he was denied the due process afforded by the Directive. ISCR Case No. 16-01237 at 2 (App. Bd. Dec. 5, 2017).

The remainder of Applicant’s brief amounts to a disagreement with the Judge’s weighing of the evidence. None of his arguments, however, are sufficient to establish the Judge weighed the evidence in a manner that was arbitrary, capricious, or contrary to law. Directive ¶ E3.1.32.3. Applicant failed to establish that the Judge committed any harmful error or that he should be granted any relief on appeal. “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