

language clearly stems from Guideline E.” Appeal Brief (AB) at 5. In addition to raising a due process concern, Applicant argues that the decision is arbitrary and capricious because of the Judge’s consideration of Guideline E factors. We find neither of these arguments persuasive.

As Applicant notes, the Judge erroneously mentioned Guideline E in his decision, stating “I have incorporated my comments under Guidelines J and E in my whole-person analysis.” Decision at 6. As Applicant also notes, this “is the only mention of Guideline E in the entire decision.” AB at 4. The Judge’s findings of fact and mitigation analysis are exclusively focused on Guideline J. We do not evaluate a Judge’s decision based on isolated words or sentences but instead on the decision viewed as a whole. ISCR Case No. 20-00204 at 4 (App. Bd. Feb. 2, 2022). Our review of the entire decision confirms that the Judge’s reference to Guideline E was a typographical error and a harmless one, as it did not likely affect the outcome of the case. *E.g.*, ISCR Case No. 95-0495 at 4 (App. Bd. Mar. 22, 1996). Contrary to Applicant’s argument, we discern no due process issue, as the decision gives us no reason to believe that the Judge somehow conflated the Guideline J allegations with Guideline E issues or that he improperly applied the whole-person factors. Applicant has not established that he was denied the due process afforded by the Directive. Finally, Applicant’s contention that a lack of candor may only be considered in the context of Guideline E is wholly without foundation in the Directive or our precedent. Indeed, the Directive requires us to give deference to a judge’s credibility determination regardless of the Guideline at issue. Directive ¶ E3.1.32.1.

Applicant’s Counsel has failed to establish any harmful error below. None of Applicant’s arguments are sufficient to demonstrate the Judge weighed the evidence in a manner that was arbitrary, capricious, or contrary to law. The record supports a conclusion that the Judge examined the relevant evidence, complied with the requirements of the Directive in his mitigation and whole-person analyses, and articulated a satisfactory explanation for the decision. The decision 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 in ISCR Case No. 23-00327 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