



**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: July 18, 2024

In the matter of:)	
)	
-----)	ISCR Case No. 23-02203
)	
Applicant for Security Clearance)	

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 November 9, 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 May 28, 2024, after conducting a hearing, Defense Office of Hearings and Appeals Administrative Judge John Bayard Glendon denied Applicant’s security clearance eligibility. Applicant appealed pursuant to Directive ¶¶ E3.1.28 and E3.1.30.

The SOR alleges 13 financial concerns, and the Judge found against Applicant as to all but two of the allegations. On appeal, Applicant notes that the Judge found that Applicant “was not able to make payments from 2019 to 2020.” He further states that he “was still making all payment until 2020 pandemic covid started.” While not specifically articulated, this implies that the Judge made a factual error regarding when Applicant’s delinquencies began.

Although Applicant does not cite to a specific portion of the Decision, it appears he is referring to the following sentence: “The debts alleged in the SOR are mostly credit-card accounts

that he has been unable to pay since about 2019 or 2020.” Decision at 3. It is noteworthy that contrary to Applicant’s paraphrasing, the Judge concluded that Applicants delinquencies began “**about** 2019 or 2020.” (emphasis added). Applicant himself testified that before 2020, “I pretty much had a clean record with all my finances.” Transcript at 20. Thus, there is some ambiguity as to when Applicant’s financial problems began. Regardless, we do not evaluate a Judge’s decision based on isolated words or sentences but, rather, on the decision viewed as a whole. ISCR Case No. 20-00204 at 4 (App. Bd. Feb. 2, 2022). Considering the totality of the facts of this case, it is of no significant consequence whether the delinquencies began in 2019 or 2020. Therefore, to the extent there may be error, it is harmless 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).

Applicant makes no other claims that can be interpreted as an assertion of error. The Appeal Board does not review cases de novo. Directive ¶ E3.1.29. The Board’s authority to review a case is limited to cases in which the appealing party has alleged the judge committed harmful error. We have considered the entirety of Applicant’s arguments. The record supports a conclusion that the Judge examined the relevant data and articulated a satisfactory explanation for the decision, “including a ‘rational connection between the facts found and the choice made.’” *Motor Vehicle Mfrs. Ass’n of the United States v. State Farm Mut. Auto. Ins. Co.*, 463 U.S. 29, 43 (1983) (quoting *Burlington Truck Lines, Inc. v. United States*, 371 U.S. 156, 168 (1962)). The Judge’s adverse 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. 23-02203 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