



**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: August 19, 2024

In the matter of:	)	
	)	
	)	
-----	)	ISCR Case No. 23-02188
	)	
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 December 1, 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 July 18, 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.

Under Guideline F, the SOR alleged eight delinquent consumer debts and a Chapter 13 bankruptcy. In his answer to the SOR, Applicant admitted all allegations with explanations and elected a decision based on the written record. In February 2024, Department Counsel mailed a complete copy of the file of relevant material (FORM) to Applicant and provided him an opportunity to file objections and submit material to refute, extenuate, or mitigate the Government’s evidence. The FORM also included an amendment to the SOR, adding two allegations under Guideline F. Applicant submitted a timely response to the FORM, consisting of

Applicant's Exhibits A through F. Applicant did not object to the amendment to the SOR, but he did not admit or deny the two new allegations. The Judge found for Applicant on the bankruptcy allegation and against him on all other allegations.

On appeal, Applicant asserts that he "was not given the prerequisite time and notification to submit final evidence to prove trustworthiness prior to the revocation of clearance." Appeal Brief at 1. He also notes that he submitted payment plans on the alleged debts. The record confirms that Applicant was provided with an opportunity to respond to the FORM, that he was advised that the FORM and his response would then be submitted to the Judge for decision, and that Applicant took advantage of the opportunity and submitted additional information and documents. The Judge's decision clearly reflects that he considered all the documents submitted, as he explicitly referenced Applicant's exhibits in his findings of fact. Applicant does not explain how he was denied the due process afforded by the Directive, and our review reveals no basis for concern. The record contains no request, for example, for an extension of time to submit materials. An applicant must make a sufficient proffer as to whether there is a sufficient basis for the Board to remand the case or take other corrective action. Applicant's bare assertion that he needed more time or an additional opportunity to submit evidence is insufficient to establish that he was in any way denied the due process afforded by the Directive.

Applicant has failed to establish any harmful error below. The record supports a conclusion that the Judge examined the relevant evidence 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. 23-02188 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