



**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: February 14, 2025

In the matter of:)
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ISCR Case No. 24-00903

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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 July 15, 2024, DoD issued a Statement of Reasons (SOR) advising Applicant of the basis of that decision – security concerns raised under Guideline F (Financial Considerations) and Guideline E (Personal Conduct) 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 December 23, 2024, Defense Office of Hearings and Appeals Administrative Judge Benjamin R. Dorsey denied Applicant security clearance eligibility. Applicant appealed pursuant to Directive ¶¶ E3.1.28 and E3.1.30.

Discussion

Under Guideline F, the SOR alleged two delinquent debts totaling approximately \$50,000, and further alleged under Guideline E that Applicant deliberately failed to disclose his debts on his security clearance application (SCA). Applicant disclosed no financial problems on his 2021 SCA, and his debts were not identified until the information was developed pursuant to the Continuous Evaluation Program. In response to the SOR, Applicant admitted all allegations with

explanation for how the debts were incurred and became delinquent, and he requested that his case be decided based on the written record. He also provided documentation reflecting that he had – several days earlier – scheduled recurring payments on both debts beginning August 2024. He provided no evidence, however, of payments actually made on either debt. Applicant was provided a complete copy of the Government’s FORM on October 16, 2024, and was notified of his ability to respond with objections or additional information for the Judge to consider. Applicant did not respond to the FORM and, based largely on the timing of Applicant’s debt resolution efforts and lack of evidence demonstrating debt repayment, the Judge found against him on all allegations.

There is no presumption of error below and the appealing party has the burden of raising claims of error with specificity. Directive ¶ E3.1.30. On appeal, Applicant makes no assertion of error, but rather reiterates his explanation for the debts and his resolution efforts, and requests reconsideration of the decision. Applicant also provides new evidence in the form of updates and documentation regarding payments made towards the debts and their current status. The Appeal Board does not review cases *de novo* and is prohibited from considering new evidence on appeal. Directive ¶ E3.1.29. Accordingly, the Judge’s decision is affirmed.

Order

The decision in ISCR Case No. 24-00903 is **AFFIRMED**.

Signed: Moira Modzelewski

Moira Modzelewski
Administrative Judge
Chair, Appeal Board

Signed: James B. Norman

James B. Norman
Administrative Judge
Member, Appeal Board

Signed: Allison Marie

Allison Marie
Administrative Judge
Member, Appeal Board