



**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: March 13, 2025

In the matter of:)
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ISCR Case No. 24-00008

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Applicant for Security Clearance)
_____)

APPEAL BOARD DECISION

APPEARANCES

FOR GOVERNMENT

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

FOR APPLICANT

Ronald P. Ackerman, Esq.

The Department of Defense (DoD) declined to grant Applicant a security clearance. On April 19, 2024, 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 on the written record and submitted matters in response to the Government's File of Relevant Material (FORM). On January 21, 2025, Defense Office of Hearings and Appeals Administrative Judge Darlene D. Lokey Anderson denied Applicant security clearance eligibility. Applicant appealed pursuant to Directive ¶¶ E3.1.28 and E3.1.30.

The SOR alleged 23 delinquent consumer debts totaling approximately \$22,800, delinquent federal taxes in the approximate amount of \$11,100, and a failure to file a state income tax return for tax year 2022. Applicant admitted to the federal tax delinquency and to four of the consumer debts and denied the remaining allegations. The Judge found favorably for Applicant on seven allegations: the delinquent federal tax debt, the failure to file his state tax return, and five delinquent consumer debts. She found adversely to Applicant on the remaining 18 debts that total

approximately \$3,000. On appeal, Applicant contends that the Judge erred in her findings and misapplied the mitigating factors. For the reasons discussed below, we affirm the Judge's decision.

The Judge found that Applicant has “a history of financial indebtedness” and that it is “unclear from the record why he accumulated so much delinquent debt.” Decision at 2. While acknowledging that Applicant has recently addressed some of his delinquent debt and that “he does not have to resolve it all at once,” the Judge highlighted that Applicant ignored many of his debts for several years, that he “outright refuses to pay other debts,” and that he – by his own admission – chose to “take advantage of the consumer laws” that protected him from collection actions once the statute of limitations had run. *Id.* at 7–8. The Judge concluded that Applicant failed to demonstrate good judgment or responsibility and instead “show[ed] that he cannot be trusted.” *Id.* at 8–9.

Through counsel, Applicant avers that the Judge erred in finding that Applicant ignored many of his debts for several years. He contends that this “is simply not true” and that – once Applicant became aware of these alleged debts during the clearance process – “he immediately began actively resolving each and every one of them.” Appeal Brief at 3. Applicant asserts that he “only refused to pay debts that were not his debts and were incorrectly placed on his credit reports.” *Id.*

Contrary to Applicant's argument, the record supports the Judge's finding that Applicant ignored debts for several years. For example, Applicant disclosed two debts on his December 2020 security clearance application (SCA), noting that they arose in 2015 and 2016 respectively. FORM Item 3 at 50–52. Applicant did not resolve the debts, which are alleged at SOR ¶¶ 1.a. and 1.w., until October 2024, eight to nine years after the delinquencies accrued and six months after the SOR was issued. Decision at 3, 5. It is well settled that the timing of debt resolution efforts is an important factor in evaluating mitigation “because an applicant who begins to resolve financial problems only after being placed on notice that his clearance was in jeopardy may lack the judgment and self-discipline to follow rules and regulations over time or when there is no immediate threat to his own interests.” ISCR Case No. 15-06440 at 4 (App. Bd. Dec. 26, 2017). The Judge's conclusion that Applicant's recent efforts were insufficient to fully mitigate the financial concerns is reasonable and sustainable.

The remainder of Applicant's brief merely advocates for an alternative weighing of the evidence. An applicant's “disagreement with the Judge's weighing of the evidence, or an ability to argue for a different interpretation of the evidence, is not sufficient to demonstrate that the Judge weighed the evidence or reached conclusions in a manner that is arbitrary, capricious, or contrary to law.” ISCR Case No. 06-17409 at 3 (App. Bd. Oct. 12, 2007).

In conclusion, Applicant has not established that the Judge committed harmful error. Our review of the record reflects that the Judge examined the relevant evidence and articulated a satisfactory explanation for the decision, which 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.’” *Dep't 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. 24-00008 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