



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: April 23, 2025

In the matter of:)	
)	
)	
-----)	ISCR Case No. 24-01008
)	
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 August 6, 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). On February 19, 2025, Defense Office of Hearings and Appeals Administrative Judge Mark Harvey denied Applicant national security eligibility. Applicant appealed pursuant to Directive ¶¶ E3.1.28 and E3.1.30.

Discussion

Under Guideline F, the SOR alleged eight delinquent consumer and auto debts, all of which Applicant admitted with explanation. The Judge found that Applicant’s finances were affected by his 2018 divorce, a circumstance largely beyond his control, and noted Applicant’s explanation that his former spouse “opened some accounts without his specific permission to do so or he gave her verbal permission to open the accounts without ensuring the debts were paid.” Decision at 7.

Applicant had established payment plans for two minor consumer debts and the Judge resolved those in Applicant's favor. Citing Applicant's failure to maintain contact with several of his creditors and the absence of payments or payment plans to address most of his delinquent debts, the Judge found adversely on the remaining six accounts that were delinquent for approximately \$55,000.

Applicant's sole challenge on appeal pertains to the Judge's adverse finding regarding his largest debt – an auto loan charged off for approximately \$34,600. Regarding this account, the Judge found that the last payment was made in 2019, that Applicant's former spouse verbally agreed to assume the debt after their divorce and had possession of the vehicle, and that, after receiving the SOR, Applicant decided not to contact the creditor because he believed the debt was written off. Applicant provided no evidence to corroborate his claim that the debt was dropped from his credit report, while both his 2023 and 2024 credit reports continued to report the debt and reflected it was written off by the original creditor.

On appeal, Applicant reiterates that he was unaware that the account was delinquent until his security clearance interview. He argues that the debt should have been subject to a seven-year reporting statute of limitations and time-barred from inclusion on his credit report. The Judge addressed this same argument at hearing, noting that there are many reasons a debt may be dropped from a credit report, and that such absence alone is not meaningful evidence of debt resolution or sufficient to mitigate the security concern. Decision at 8 (citing ISCR Case No. 14-05803 at 3 (App. Bd. Jul. 7, 2016)).

The Judge's finding that Applicant failed to "establish that he was unable to make more timely and significant progress resolving his SOR debts" is reasonable and supported by the evidence before him, and his conclusion that the "financial evidence raises unmitigated questions about [Applicant's] reliability, trustworthiness, and ability to protect classified information" is sustainable on this record.¹

Conclusion

Applicant has not established that the Judge's conclusions were arbitrary, capricious, or contrary to law. In the instant case, the Judge examined the relevant evidence, weighed the disqualifying and mitigating evidence, and articulated a satisfactory explanation for the decision. The record is sufficient to support that the Judge's findings and conclusions are sustainable. "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).

¹ Applicant does not challenge the Judge's adverse findings on five other debts, which independently total over \$20,500 and are themselves sufficient to sustain the same conclusion.

Order

The decision in ISCR Case No. 24-01008 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