



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: June 4, 2025

_____)	
In the matter of:)	
)	
)	
-----)	ISCR Case No. 22-01864
)	
Applicant for Public Trust Position)	
_____)	

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 March 17, 2023, DoD issued a statement of reasons (SOR) advising Applicant of the basis for that decision – security concerns raised under Guideline F (Financial Considerations) and Guideline E (Personal Conduct) of the National Security Adjudicative Guidelines (AG) of Security Executive Agent Directive 4 (effective June 8, 2017) and DoD Directive 5220.6 (Jan. 2, 1992, as amended) (Directive). On March 21, 2025, after conducting a hearing, Defense Office of Hearings and Appeals (DOHA) Administrative Judge Robert Tuider denied Applicant national security eligibility. The Applicant appealed pursuant to Directive ¶¶ E3.1.28 and E3.1.30.

Applicant has appeared before DOHA twice. The first appearance was in 2020 and involved allegations under Guideline B (Foreign Influence), Guideline F (Financial Considerations), and Guideline E (Personal Conduct). The Judge at that time found that Applicant had mitigated all of the Government's concerns related to his foreign relatives, delinquent debt, and falsification of his June 2018 security clearance application (SCA) by failing to disclose his

delinquent debts. With respect to the allegations under Guideline F, the Judge’s mitigating analysis relied on the Applicant’s stated plan to resolve all of his debts and evidence of a few payments he had made to resolve them. However, after he was granted eligibility, several of his delinquencies were not resolved.

On March 17, 2023, DoD issued a second SOR to Applicant, which contained the allegations that led to this appeal. The Judge found adversely to Applicant on four Guideline F allegations (SOR ¶¶ 1.f through 1.h and 1.k), which included findings that Applicant failed to resolve previously-alleged debts totaling approximately \$3,800, despite his prior plan in 2020 to resolve them. He found in favor of Applicant on SOR ¶¶ 1.a through 1.e, 1.i, and 1.j, and SOR ¶¶ 1.l and 1.m were withdrawn. The Judge also found adversely to Applicant on the sole Guideline E allegation — that he intentionally failed to disclose his debts on his September 22, 2021, SCA as required in Section 26 of that form. The Judge noted that “to answer the same question three years later with a ‘No’ in response to a straightforward question about his seven-year debt history demonstrates a severe lack of candor and lack of judgment.” Decision at 13.

On appeal, there is no presumption of error below, and the appealing party must raise claims of error with specificity and identify how the judge committed factual or legal error. Directive ¶ E3.1.32. In Applicant’s appeal, he failed to identify any specific error. Instead, he argues for an alternative interpretation of the evidence and claims that he feels “picked on.” He appears to read the Judge’s decision as initiating a third adjudication and threat to revoke his security clearance eligibility, rather than a reaching a decision on the second (and current) SOR. To the extent that he provides new details about his financial status in his appeal, the Appeal Board does not review cases *de novo* and is prohibited from considering new evidence on appeal. 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. Because Applicant has not made such an allegation of error, the decision of the Judge denying Applicant national security eligibility is sustainable.

Order

The decision in ISCR Case No. 22-01864 is **AFFIRMED**.

Signed: Moira Modzelewski

Moira Modzelewski
Administrative Judge
Chair, Appeal Board

Signed: Allison Marie

Allison Marie
Administrative Judge
Member, Appeal Board

Signed: Jennifer Goldstein

Jennifer Goldstein
Administrative Judge
Member, Appeal Board