

**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**

support arrearage in the approximate amount of \$69,300. The Judge found favorably for Applicant on that allegation but adversely on the remaining six. The Judge acknowledged that Applicant had experienced unforeseen events that impacted his financial circumstances. He noted, however, that Applicant had not resolved any of the remaining alleged debts and had accrued a new medical debt of approximately \$10,900. In light of these circumstances, the Judge concluded that Applicant's financial issues were not under control but instead "remain recent and ongoing." Decision at 8.

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 alleges that the decision is in error because he did not have "time to provide the right evidence." With his appeal, Applicant provides evidence of a post-decision payment. The record contains no indicia that Applicant asked for additional time. Instead, the record confirms that Applicant submitted a timely and substantive response to the FORM and that the Judge considered his evidence. Applicant has not established that he was denied the due process afforded by the Directive. To the extent that the documents submitted constitute new evidence, the Appeal Board is prohibited from considering new evidence on appeal. Directive ¶ E3.1.29.

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. 23-02663 is **AFFIRMED**.

Signed: Moira Modzelewski

Moira Modzelewski
Administrative Judge
Chair, Appeal Board

Signed: Allison Marie

Allison Marie
Administrative Judge
Member, Appeal Board

Signed: Jennifer I. Goldstein

Jennifer I. Goldstein
Administrative Judge
Member, Appeal Board