

Congress and ultimately one of those offices forwarded correspondence on his behalf. The Judge found favorably for Applicant on the three Guideline F allegations because of the age and small number of debts alleged. The Judge found adversely on the sole allegation under Guideline E, which alleged that Applicant was terminated from his employment with a defense contractor in 2022 for time and attendance fraud over a two-year period.

On appeal, Applicant primarily resubmits the information and explanations that he provided in his response to the SOR and FORM. He highlights his military service and his work as a defense contractor since leaving active duty. Regarding the allegation of time fraud, Applicant reiterates his earlier denial, claiming that he was wrongly terminated after new technology eliminated the need for his position and that the employer was using the allegation of timecard fraud as an “excuse.” Appeal Brief at 2. Applicant asserts that the only evidence that he was shown to support the allegation of time fraud was “hearsay from an unknown ‘witness’” and that the Judge “made the unfavorable ruling from this insufficient evidence.” *Id.*

Applicant’s assertions are contradicted by the record, which includes a two-page report by the employer to the DoD Inspector General detailing its investigation into Applicant’s timesheets. Government Exhibit 8. The employer’s investigation included a review of the facility’s badging records and Applicant’s timecards, interviews with two witnesses, and an interview with Applicant, and it revealed significant discrepancies between Applicant’s timesheets and his presence in the facility, totaling about 770 hours. The employer noted that Applicant “did not provide a credible explanation” for those discrepancies. *Id.* As a result of its investigation, the employer refunded the government customer for the 770 hours charged. The Judge concluded that “[Applicant’s] employer established the reliability of its claims by reporting them to the DoD Inspector General and repaying the Government for the monies Applicant was paid but failed to work.” Decision at 8–9. The Judge’s deference to the employer’s internal investigation is well-grounded in the precedent to which he cites, and his conclusion that Applicant failed to mitigate the security concern raised by his timecard fraud is amply supported by the record.

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. 24-00032 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