

KEYWORD: Guideline F

DIGEST: Applicant has not rebutted the presumption that the Judge considered all the record evidence. Adverse decision affirmed.

CASENO: 12-09391.a1

DATE: 08/05/2013

DATE: August 5, 2013

In Re:	)	
	)	
-----	)	ISCR Case No. 12-09391
	)	
Applicant for Security Clearance	)	
	)	

**APPEAL BOARD DECISION**

**APPEARANCES**

**FOR GOVERNMENT**

James B. Norman, Esq., Chief Department Counsel

**FOR APPLICANT**

*Pro se*

The Department of Defense (DoD) declined to grant Applicant a security clearance. On August 24, 2012, 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 Department of Defense Directive 5220.6 (Jan. 2, 1992, as amended)

(Directive). Applicant requested a decision on the written record. On April 30, 2013, after considering the record, Defense Office of Hearings and Appeals (DOHA) Administrative Judge Thomas M. Crean denied Applicant's request for a security clearance. Applicant appealed pursuant to Directive ¶¶ E3.1.28 and E3.1.30.

Applicant raised the following issue on appeal: whether the Judge's adverse decision was arbitrary, capricious, or contrary to law. Consistent with the following, we affirm.

### **The Judge's Findings**

In 2008, Applicant experienced financial problems due to the economic downturn. His income was cut in half, and his monthly bills exceeded his income. He has delinquent debts totaling \$17,881, mostly from credit cards. He hired a credit counseling law firm but, after an additional drop in income, he decided to address his financial problems himself. Applicant has presented evidence of settlement agreements for three of his debts, but he has not presented evidence of payments. Moreover, he has not corroborated his claims to have paid or arrived at settlement agreements for other debts. In the Analysis, the Judge noted the effect that the economic slump had on Applicant's finances. However, he concluded that Applicant had failed to demonstrate responsible action regarding his debts or to demonstrate a track record of debt resolution.

### **Discussion**

Applicant cites to his evidence of debt resolution. The Judge discussed that evidence in his decision, but he plausibly explained why he concluded that the evidence was not sufficient to meet Applicant's burden of persuasion as to mitigation. Applicant has not rebutted the presumption that the Judge considered all of the evidence in the record. *See, e.g.*, ISCR Case No. 12-09329 at 3 (App. Bd. Mar. 18, 2013). The Judge examined the relevant data 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). *See also* Directive, Enclosure 2 ¶ 2(b): "Any doubt concerning personnel being considered for access to classified information will be resolved in favor of the national security."

### **Order**

The Decision is **AFFIRMED**.

Signed: Michael Y. Ra'anan  
Michael Y. Ra'anan  
Administrative Judge  
Chairperson, Appeal Board

Signed: William S. Fields

William S. Fields  
Administrative Judge  
Member, Appeal Board

Signed: James E. Moody \_\_\_\_\_  
James E. Moody  
Administrative Judge  
Member, Appeal Board