

for a security clearance. On April 22, 2016, the Judge vacated the decision and issued a corrected version, in order to address typographical errors in the first one. Applicant appealed pursuant to Directive ¶¶ E3.1.28 and E3.1.30.

Applicant raised the following issue on appeal: whether the Judge failed properly to apply the mitigating conditions. The Judge's favorable findings under Guideline E are not at issue in this appeal. Consistent with the following, we affirm.

The Judge's Findings of Fact

The Judge made the following findings pertinent to the issues raised on appeal. Applicant's SOR contains numerous delinquent debts, for such things as medical treatment, student loans totaling about \$69,000, etc. The Judge found that Applicant did not corroborate his claims that he had resolved many of the debts. Applicant asked the Department of Education about a payment plan, but as of the date of the hearing no such plan had been effectuated. Applicant stated that his problems arose from a contentious divorce and from underemployment. During their marriage, Applicant's wife handled the finances, and Applicant was not aware of their outstanding debts. She agreed that Applicant could pay a reduced amount of spousal support so that he could resolve his debts. His underemployment resulted from reduced work hours. He changed employers, with a resulting diminution in pay.

Applicant acknowledged that he should have paid more attention to his finances. He stated that he had experienced no financial problems prior to his divorce. At the time he received the SOR he did not have the means to resolve his debts. He presented no evidence to show that he had contacted creditors, other than those holding student loans. There is no evidence that Applicant was living beyond his means. He has recently consulted with a financial counselor, and his ex-wife is helping him dispute some questionable entries on his credit report. Applicant enjoys a good reputation for honesty, trustworthiness, responsibility, etc. He has worked for Federal contractors for 15 years without a security incident.

The Judge's Analysis

The Judge concluded that none of the mitigating conditions fully applied to Applicant's circumstances. He noted a paucity of evidence regarding debt resolution, contact with creditors, etc. He stated that Applicant should have been more diligent in investigating his financial condition. The Judge concluded that a recent promise by Applicant to address his debts was not credible. In the whole-person analysis, the Judge cited to evidence of circumstances outside Applicant's control that affected his debts. However, he found that the record contained insufficient evidence of responsible action.

Discussion

Applicant states that the decision contains statements that are not consistent. He appears to be referring to the problems in the first decision that the Judge corrected by means of the second one. Otherwise, Applicant cites to evidence of his divorce and his underemployment, arguing that he has mitigated the concerns alleged in the SOR. The Judge made extensive findings about Applicant's

evidence and discussed it in the Analysis portion of the decision. The Judge reasonably explained why he concluded that Applicant had only qualified for partial mitigation of the security concerns raised. Applicant has not rebutted the presumption that the Judge considered all of the evidence in the record. *See, e.g.*, ISCR Case No. 14-05795 at 2 (App. Bd. Apr. 26, 2016).

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: James E. Moody

James E. Moody
Administrative Judge
Member, Appeal Board

Signed: William S. Fields

William S. Fields
Administrative Judge
Member, Appeal Board