

KEYWORD: Guideline F

DIGEST: Applicant has not rebutted the presumption that the Judge considered all of the evidence in the record. Neither has he shown that the Judge mis-weighed the evidence. Beyond those two issues, Applicant’s brief fails for lack of specificity. Adverse decision affirmed.

CASE NO: 14-04878.a1

DATE: 08/30/2016

DATE: August 30, 2016

In Re: ----- Applicant for Security Clearance)))))))	ISCR Case No. 14-04878
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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 March 26, 2015, DoD issued a statement of reasons (SOR) advising Applicant of the basis for that decision—security concerns raised under Guideline F (Financial Considerations) of Department of Defense Directive 5220.6 (Jan. 2, 1992, as amended) (Directive). Applicant requested a decision on the written record. On June 1, 2016, after considering the record, Defense Office of Hearings and Appeals (DOHA) Administrative Judge Arthur E. Marshall, Jr., denied Applicant’s request for a security clearance. Applicant appealed pursuant to Directive ¶¶ E3.1.28 and E3.1.30.

Applicant raises the following issues on appeal: whether the Judge considered the record evidence concerning a mortgage debt and whether the Judge failed properly to weigh this evidence.

Consistent with the following, we affirm.

The Judge's Findings of Fact

Applicant's SOR lists 18 delinquent debts, for such things as medical expenses, television services, and a charged-off second mortgage. Applicant's medical bills resulted from his knee surgery, as well as from his daughter's dental care. He contended that the mortgage had been sold to another creditor. However, the record did not support this contention. The debt in question was a second mortgage on a property and had been charged-off. The other evidence regarding mortgage debt did not clearly refer to this second mortgage. Applicant provided little evidence concerning his financial condition or to demonstrate that he had received financial counseling.

The Judge's Analysis

The Judge stated that Applicant's debts were numerous and "largely unaddressed." Decision at 4. He stated that the record did not contain sufficient evidence to show that the debts had been addressed and that similar problems are not likely to arise in the future. Regarding the mortgage, which is far and away the largest of Applicant's delinquent debts, the Judge found that the record does not establish that it has been addressed. The upshot of the Judge's analysis is that Applicant had not provided enough evidence to meet his burden of persuasion.

Discussion

Applicant's brief states that his mortgage has been discharged. To the extent that he is contending that the Judge did not consider his documentary submissions about this debt, he has failed to rebut the presumption that the Judge considered all of the evidence in the record. Moreover, he has not demonstrated that the Judge mis-weighed the evidence of this debt. *See, e.g.*, ISCR Case No. 14-05795 at 2 (App. Bd. Apr. 26, 2016). Beyond this, Applicant's brief fails for lack of specificity. *See, e.g.*, ISCR Case No. 14-05920 at 3 (App. Bd. Jan. 8, 2016). The Judge's treatment of this debt in supportable.¹

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."

¹In his Response to the File of Relevant Material, Applicant addressed this second mortgage. He notes that a named creditor took over the first mortgage on a property and that the second mortgage was charged-off. His brief apparently assumes that a charged-off debt has been satisfied, which is not the case. However, even if a debt has been paid, or even if a creditor is not actively seeking payment of a debt, a Judge can still consider the circumstances surrounding the debt—or a lack of evidence explaining these circumstances—in evaluating an applicant's case for mitigation. *See, e.g.*, ISCR Case No. 14-02394 at 3-4 (App. Bd. Aug. 17, 2015).

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