

KEYWORD: Guideline F

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

CASENO: 14-06359.a1

DATE: 11/06/2015

DATE: November 6, 2015

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In Re: )  
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 ----- ) ISCR Case No. 14-06359  
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 Applicant for Security Clearance )  
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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 February 3, 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 hearing. On August 21, 2015, after the hearing, Defense Office of Hearings and Appeals (DOHA) Administrative Judge LeRoy F. Foreman 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 of Fact**

Applicant has never previously held a security clearance. Before undertaking his current job, he worked for the state government in a position that required him to commute 70 miles each way and sometimes work up to 16 hours a day. The pressures of this job led him to seek a different one. He was unemployed for about four months before beginning his current position. One of Applicant’s prior colleagues attested to his devotion to his family and employer. This person stated that Applicant could be trusted with sensitive information. Never married, Applicant has cohabited since 2008 with his fiancée. They have two children of their own, and his fiancée has two from a previous relationship.

Applicant has numerous delinquent debts, totaling about \$15,500. The debts include a payday loan, cable services, medical expenses, a repossessed vehicle, several judgments, etc. His problems were affected by his unemployment and by his mother having acquired telecommunication debts in his name without his knowledge. The Judge found that some of the debts were duplicates of others but that the vast majority were not resolved. The Judge found that Applicant did not corroborate his claims about having contacted creditors or paid debts.

Applicant has depleted his retirement funds and has no money set aside for emergencies. Applicant’s fiancée also works full time, bringing in about \$1,300 a month.

### **The Judge’s Analysis**

The Judge resolved two debts in Applicant’s favor, insofar as they were duplicates of others. He entered adverse findings for the remainder. He stated that Applicant’s debts are numerous, ongoing, and were not incurred under unusual circumstances. Though noting that Applicant’s financial problems were affected by his unemployment and by his mother’s perfidy, the Judge concluded that Applicant had not demonstrated responsible behavior in regard to his delinquent debts, noting that he had not resolved even his smaller ones. The Judge stated that there was no evidence in the record of financial counseling, nor had Applicant demonstrated a good-faith effort to resolve his financial difficulties. The Judge concluded that Applicant “has no plan and has not taken any significant actions to resolve his debts.” Decision at 7. In the whole-person analysis, the Judge cited to Applicant’s character evidence. He also found Applicant to have been candid and

sincere in his presentation at the hearing. He stated, on the other hand, that Applicant is overwhelmed by his debts and lacks the financial and organization skill to get them under control.

### **Discussion**

Applicant cites to record evidence regarding the circumstances underlying his debts, his claims of debt payments, his good character, his good work record, etc. A Judge is presumed to have considered all of the evidence in the record. *See, e.g.*, ISCR Case No. 12-08412 at 2 (App. Bd. Sep. 11, 2015). The Judge made detailed findings about Applicant’s financial situation and character evidence, discussing these findings in the Analysis. Given the extent of Applicant’s debts and the Judge’s conclusion that Applicant had no plan for redress, his evaluation of Applicant’s circumstances is sustainable. Applicant has not rebutted the presumption that the Judge considered all of the evidence in the record. Neither has he shown that the Judge weighed the evidence in a manner that was arbitrary, capricious, or contrary to law. *See, e.g.*, ISCR Case No. 14-05251 at 3-4 (App. Bd. Oct. 5, 2015).

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 Ra’anan  
Michael Ra’anan  
Administrative Judge  
Chairperson, Appeal Board

Signed: Jeffrey D. Billett  
Jeffrey D. Billett  
Administrative Judge  
Member, Appeal Board

Signed: James E. Moody

James E. Moody  
Administrative Judge  
Member, Appeal Board