

KEYWORD: Guideline F

DIGEST: The Directive does not permit us to consider the impact of an unfavorable decision on an applicant. Adverse decision affirmed.

CASENO: 14-06895.a1

DATE: 01/11/2016

DATE: January 11, 2016

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In Re: )  
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 ----- ) ISCR Case No. 14-06895  
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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 May 30, 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 October 20, 2015, after considering the record, Defense Office of Hearings and Appeals (DOHA) Administrative Judge Mark Harvey 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 weighed the evidence in a manner that was arbitrary, capricious, or contrary to law. Consistent with the following, we affirm.

The Judge concluded that Applicant did not provide enough evidence to mitigate security concerns arising from a Chapter 7 bankruptcy action and delinquent debts totaling over \$35,000. We construe Applicant’s appeal as a challenge to the Judge’s weighing of the evidence. However, his argument is not enough to show that the Judge weighed the evidence in a manner that was arbitrary, capricious, or contrary to law. *See, e.g.*, ISCR Case No. 14-0202 at 3 (App. Bd. Dec. 24, 2015). Applicant’s brief includes new evidence, which we cannot consider. Directive ¶ E3.1.29. Applicant states because he has lost his clearance he is unemployed. The Directive does not permit us to consider the impact that an unfavorable decision might have upon an applicant. *See, e.g.*, ISCR Case No. 14-03112 at 4 (App. Bd. Nov. 3, 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