

DATE: May 25, 2006

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In Re:

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SSN: -----

Applicant for Security Clearance

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ISCR Case No. 04-05272

## **APPEAL BOARD DECISION**

### **APPEARANCES**

#### **FOR GOVERNMENT**

Jennifer I. Campbell, Esq., Department Counsel

#### **FOR APPLICANT**

Doc Anthony Anderson III, Esq.

The Defense Office of Hearings and Appeals (DOHA) declined to grant Applicant a security clearance. On December 15, 2004, DOHA issued a statement of reasons 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 the case be decided on the written record. On November 16, 2005, after considering the record, Administrative Judge Wilford H. Ross denied Applicant's request for a security clearance. Applicant timely appealed pursuant to the Directive ¶¶ E3.1.28 and E3.1.30.

Applicant raised the following issue on appeal: whether the Administrative Judge's findings and conclusions are reasonable in light of the record evidence.

The Administrative Judge found:

Applicant and her husband had a significant number of delinquent debts and unpaid back taxes. Applicant has made significant progress in resolving their delinquent debts and back taxes, however, she and her husband still owe one creditor between \$1756 and \$1822, and they owe back taxes, penalties and interest in excess of \$100,000. Applicant and her husband filed a petition for a Chapter 13 bankruptcy, which was dismissed in July 1998 for failure to adhere to the payment plan. In October 1998, they filed a voluntary petition for Chapter 7 bankruptcy and were discharged in 1999. Applicant deliberately falsified two answers on a security clearance questionnaire she completed on March 21, 2001.

The Administrative Judge's findings of fact are sustainable in light of the record evidence as a whole. Given the record in this case, the Judge was not obliged to find that Applicant had resolved all her tax debts, or even that they are currently under control. Furthermore, the Administrative Judge was not bound to accept Applicant's explanation for her false answers on the security clearance application. He considered her explanation in light of the record evidence as a whole and found it untenable.

The Administrative Judge's adverse conclusions are reasonable in light of his sustainable findings of fact. Thus, the Administrative Judge did not err in denying Applicant a clearance.

**Order**

The decision of the Administrative Judge denying Applicant a clearance is AFFIRMED.

Signed: Michael Y. Ra'anan

Michael Y. Ra'anan

Administrative Judge

Chairman (Acting, Appeal Board)

Signed Michael D. Hipple

Michael D. Hipple

Administrative Judge

Member, Appeal Board

Signed: William S. Fields

William S. Fields

Administrative Judge

Member, Appeal Board