

DATE: November 3, 2006

In Re:

SSN: -----

Applicant for Security Clearance

ISCR Case No. 05-02013

APPEAL BOARD DECISION

APPEARANCES

FOR GOVERNMENT

Candace Le'i, Department Counsel

FOR APPLICANT

Pro Se

The Defense Office of Hearings and Appeals (DOHA) declined to grant Applicant a security clearance. On September 28, 2005, DOHA issued a statement of reasons advising Applicant of the basis for that decision--security concerns raised under Guideline F (Financial Considerations), Guideline J (Criminal Conduct), and Guideline E (Personal Conduct) of Department of Defense Directive 5220.6 (Jan. 2, 1992, as amended (Directive)). Applicant requested a hearing. On April 13, 2006, after the hearing, Administrative Judge Barry M. Sax denied Applicant's request for a security clearance. Applicant lodged a timely appeal pursuant to the Directive ¶¶ E3.1.28 and E3.1.30.

In his appeal, Applicant argues that the Administrative Judge did not take into account the receipts that Applicant sent in. He objects to the Judge's findings and conclusions, and he restates portions of his testimony in explanation or mitigation of the allegations against him. We interpret Applicant's appeal as contending that the Administrative Judge's decision was arbitrary, capricious, and contrary to law. The Administrative Judge found that Applicant had numerous debts which he had either not paid off or for which he could not substantiate payment. ⁽¹⁾ The Administrative Judge also found that Applicant had been arrested for various offenses, including embezzlement, burglary, and grand theft. Finally, the Administrative Judge found that Applicant had stated on his security clearance application that he had registered for the draft, that he had no felony arrests, and that he had never been charged with drug or alcohol offenses, which statements were false. Upon our review of the record evidence we conclude that the Administrative Judge's findings were sustainable. Furthermore, we find no basis to disturb his conclusion that "Applicant has not come close to overcoming the evidence supporting the Government's concerns, as stated in the SOR." Thus, the Administrative Judge did not err in denying Applicant a clearance.

IV. Order

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

Signed : Micahel Y. Ra'anan

Michael Y. Ra'anan

Administrative Judge

Chairman, Appeal Board

Signed: Jean E. Smallin

Jean E. Smallin

Administrative Judge

Member, Appeal Board

Signed James E. Moody

James E. Moody

Administrative Judge

Member, Appeal Board

1. The Judge held the record open after the hearing for the submission of additional information. The financial information which Applicant submitted at that time does not obligate the Judge to find that Applicant had resolved his financial difficulties. Applicant submitted an agreement he entered into with a credit counseling company after the hearing, including a payment plan with payments to start almost two months after the hearing. The other document Applicant submitted was a promise by another person to pay one of Applicant's debts in the future.