

Applicant raises the following issue on appeal: whether the Judge's decision is arbitrary, capricious, or contrary to law.

Specifically, Applicant contends that the Judge did not give adequate weight to her evidence of mitigation, and she points out the negative impact that an adverse security clearance decision will have on her job and her ability to pay her debts.

The Judge made the following pertinent findings of fact: The SOR alleges \$42,482 in delinquent debts, and Applicant admitted almost all the allegations. The Judge found in Applicant's favor as to three of the debts. Applicant attributes many of her financial difficulties to her second husband's job loss and his ensuing emotional problems. Applicant's husband filed for bankruptcy in 2005, but Applicant did not join in the petition because she did not want to jeopardize her security clearance. In October 2007, Applicant enrolled in a debt consolidation program with a down payment of \$500. At that time, Applicant was unable to begin the prescribed payments of \$300 per month to pay down her debts, but was scheduled to do so as of October 31, 2008, just after the hearing. Applicant also hired a credit service firm to challenge the amount and validity of her debts. That service charged \$80 per month and completed its process in August 2008. In November 2006, Applicant had \$31.30 a month left after all her expenses. She now has \$400 left due to salary increases, and she has developed a budget with help from a counselor at her church. Applicant submitted several character reference letters.

In her appeal brief, Applicant argues that the Judge did not give adequate weight to her evidence of mitigation. As the trier of fact, the Judge has to weigh the evidence as a whole and decide whether the favorable evidence outweighs the unfavorable evidence, or *vice versa*. A party's disagreement with the Judge's weighing of the evidence, or an ability to argue for a different interpretation of the evidence, is not sufficient to demonstrate the Judge weighed the evidence or reached conclusions in a manner that is arbitrary, capricious, or contrary to law. *See, e.g.*, ISCR Case No. 07-00553 at 2 (May 23, 2008).

Applicant points out that an adverse security clearance decision will cause her to lose her job and will hinder her ability to continue to improve her financial situation. An applicant is not made more or less suitable for a security clearance based on how the Judge's decision might affect the applicant. *See, e.g.*, ISCR Case No. 03-21012 at 4 (App. Bd. Aug. 31, 2005).

In this case, the Judge discussed the relevant disqualifying and mitigating conditions under Guideline F. Looking at both the favorable and unfavorable record evidence, the Judge reasonably explained why Applicant's evidence of mitigation did not overcome the government's security concerns. The Board does not review a case *de novo*. The favorable evidence cited by Applicant is not sufficient to demonstrate the Judge's decision is arbitrary, capricious, or contrary to law. *See, e.g.*, ISCR Case No. 02-28041 at 4 (App. Bd. Jun. 29, 2005). Given the record that was before him, the Judge's ultimate unfavorable decision is sustainable.

Order

The Judge's decision denying Applicant a security clearance is AFFIRMED.

Signed: Jean E. Smallin

Jean E. Smallin
Administrative Judge
Member, Appeal Board

Signed: William S. Fields

William S. Fields
Administrative Judge
Member, Appeal Board

Signed: James E. Moody

James E. Moody
Administrative Judge
Member, Appeal Board