



of the basis for that decision—security concerns raised under Guideline J (Criminal Conduct), Guideline H (Drug Involvement), Guideline G (Alcohol Consumption) and Guideline E (Personal Conduct) of Department of Defense Directive 5220.6 (Jan. 2, 1992, as amended) (Directive). Applicant requested that the case be decided on the written record. On April 23, 2009, after considering the record, Administrative Judge Edward W. Loughran denied Applicant’s request for a security clearance. Applicant appealed pursuant to the Directive ¶¶ E3.1.28 and E3.1.30.

Applicant argues that the Judge erred in his conclusion that Applicant had deliberately omitted information concerning his criminal record, alcohol use and drug use in response to two questions on his security clearance application—contending that he did not understand the nature of the questions, and that he lacked knowledge about the law and technicalities of security clearance procedures. Applicant has not demonstrated that the Judge’s decision is arbitrary, capricious or contrary to law.

A review of the decision indicates that the Judge reasonably considered Applicant’s explanation in the context of the record as a whole. Decision at 2-4 and 8-10. The Judge was required to consider Applicant’s explanations and did so. However, he was not obligated to accept Applicant’s explanations. *See, e.g.*, ISCR Case No. 03-12089 at 2 (App. Bd. Oct. 10, 2006). The Judge examined the relevant data and articulated a satisfactory explanation for his decision, “including a ‘rational connection between the facts found and the choice made.’” *Motor Vehicle Mfrs. Ass’n of the United States v. State Farm Mut. Auto. Ins. Co.*, 463 U.S. 29, 43 (1983) (quoting *Burlington Truck Lines, Inc. v. United States*, 371 U.S. 156, 168 (1962)). “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). Accordingly, the Judge’s adverse clearance decision is sustainable.

### **Order**

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

Signed: Michael Y. Ra’anan  
Michael Y. Ra’anan  
Administrative Judge  
Chairman, Appeal Board

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

Signed: William S. Fields

William S. Fields  
Administrative Judge  
Member, Appeal Board