

KEYWORD: Guideline F

DIGEST: Applicant has various delinquent debts, has made no recent payments and has not established a plan for doing so. Adverse decision affirmed.

CASENO: 08-09511.a1

DATE: 03/03/2010

DATE: March 3, 2010

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In Re:)	
)	
-----)	ISCR Case No. 08-09511
)	
)	
Applicant for Security Clearance)	
_____)	

APPEAL BOARD DECISION

APPEARANCES

FOR GOVERNMENT

James B. Norman, Esq., Chief Department Counsel

FOR APPLICANT

Pro Se

The Defense Office of Hearings and Appeals (DOHA) declined to grant Applicant a security clearance. On July 15, 2009, DOHA 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 December 28, 2009, after considering the record, Administrative Judge Wilford H. Ross denied Applicant’s request for a security clearance. Applicant appealed pursuant to Directive ¶¶ E3.1.28 and E3.1.30.

Applicant raised the following issues on appeal: whether the Judge’s whole-person analysis was erroneous and whether the Judge’s adverse decision was arbitrary, capricious, or contrary to law. Finding no error, we affirm.

The Judge found that Applicant is an employee of a Defense contractor. He served in the U.S. Marine Corps from 1998 to 2003. He had numerous delinquent debts for such things as cable services, telephone services, repossessed automobiles, and a military relief service. His debts totaled over \$26,000. As of the close of the record, Applicant had made no recent payments on these debts, nor had he established a plan for doing so. In resolving the decision adverse to Applicant, the Judge concluded, *inter alia*, that Applicant’s ongoing debts were recent and that he had not demonstrated permanent changes in behavior favorable to debt resolution.

We have considered Applicant’s assignments of error in light of the entire record. We conclude that the Judge’s whole-person analysis complies with the requirements of Directive ¶ E2.2.1, in that the Judge considered the totality of Applicant’s conduct in reaching his decision. *See* ISCR Case No. 05-03948 at 3-4 (App. Bd. May 21, 2007); ISCR Case No. 04-09959 at 6 (App. Bd. May 19, 2006). Applicant’s appeal brief contains information concerning Applicant’s current job responsibilities, the reasons for his discharge from the Marine Corps, and his family circumstances. To the extent that this information provides details not contained in the record, we cannot consider it. *See* Directive ¶ E3.1.29. (“No new evidence shall be received or considered by the Appeal Board”). *See also* ISCR Case No. 08-06875 at 2 (App. Bd. Oct. 29, 2009) and ISCR Case No. 08-06518 at 2 (App. Bd. Mar. 3, 2009).

After reviewing the record, we conclude that the Judge examined the relevant data and articulated a satisfactory explanation for the 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 Judge’s adverse 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).

Order

The Judge's adverse security clearance decision is AFFIRMED.

Signed: Jeffrey D. Billett

Jeffrey D. Billett
Administrative Judge
Member, 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