

KEYWORD: Guideline F

DIGEST: Applicant states that she was not asked to provide corroborating evidence. Although pro se applicants cannot be expected to act like lawyers, they are expected to take reasonable steps to protect their rights. Adverse decision affirmed.

CASENO: 09-01074.a1

DATE: 10/16/2009

DATE: October 16, 2009

_____)	
In Re:)	
)	
-----)	ISCR Case No. 09-01074
)	
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 April 10, 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 August 31, 2009, after considering the record, Administrative Judge Paul J. Mason 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 adverse security clearance decision is arbitrary, capricious, or contrary to law. We also construe Applicant's appeal as contending that she was denied due process. Finding no error, we affirm.

The Judge found against Applicant on ten of twenty delinquent debts alleged in the SOR. Of those debts he stated that Applicant had provided insufficient evidence corroborating her claims that the debts resulted from unexpected illnesses in her family. He also concluded that she did not provide sufficient evidence concerning the nature of a debt consolidation plan. Applicant contends that she did not understand that she needed to provide corroborating evidence or other matters referenced by the Judge. She stated that she was never asked for such documents.

“Although *pro se* applicants cannot be expected to act like lawyers, they are expected to take timely, reasonable steps to protect their rights under the Directive.” ISCR Case No. 05-03143 at 2 (App. Bd. Dec 20, 2006). In this case, Applicant requested that the case be decided on the written record. She was provided with a copy of the file of relevant material (FORM) and notified of her opportunity to provide documentary evidence to rebut or explain the security concerns in her case. Applicant provided documentary evidence (none of which substantiated the medical explanations she had previously offered). The Judge considered Applicant's response to the FORM, along with other record evidence. There is no reason to believe that Applicant was denied due process.

In light of the Judge's findings about the extent of Applicant's delinquent debt and the paucity of record evidence in mitigation, his adverse decision is reasonable. His decision that “it is not clearly consistent with the national interest to grant Applicant eligibility for a security clearance” is sustainable on this record. Decision at 6. *See also Department of the Navy v. Egan*, 484 U.S. 518, 528 (1988) (“The general standard is that a clearance may be granted only when ‘clearly consistent with the interests of the national security.’”).

Order

The Judge's adverse security clearance decision is AFFIRMED.

Signed: Michael Y. Ra'anan

Michael Y. Ra'anan
Administrative Judge
Chairperson, 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