

KEYWORD: Guideline F

DIGEST: Applicant offers an alternative interpretation of the evidence, but it is not sufficient to rebut the presumption that the Judge considered all the evidence. Adverse decision affirmed.

CASENO: 10-04413.a1

DATE: 02/16/2012

DATE: February 16, 2012

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| In Re: |) | |
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| ----- |) | ISCR Case No. 10-04413 |
| |) | |
| 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 5, 2011, 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 19, 2011, after considering the record, Administrative Judge Marc E. Curry denied Applicant’s request for a security clearance. Applicant appealed pursuant to Directive ¶¶ E3.1.28 and E3.1.30.

Applicant raises the following issue on appeal: whether the Judge’s adverse security clearance decision is arbitrary, capricious, or contrary to law. Consistent with the following, we affirm.

The Judge found that Applicant was discharged in Chapter 7 bankruptcy in 2005. Since that time, she acquired approximately \$36,000 additional delinquent debt, of which more than \$20,000 was unresolved as of the close of the record. The debts were for medical bills, utilities, etc. Applicant’s problems were affected by marital problems, job instability, and health issues. The Judge found that Applicant had “no tangible plan to repay” her unresolved debts. Decision at 5.

Applicant contends that the Judge failed to consider all of the record evidence, for example, evidence that she had paid off some of the debts alleged in the SOR, her attempts to settle another debt, her job advancement, and her plan to pay off her debts. A Judge is presumed to have considered all of the record evidence. *See, e.g.*, ISCR Case No. 11-03025 at 3 (App. Bd. Jan. 6, 2012). Applicant’s brief offers an alternative interpretation of the record, but it is not sufficient to rebut the presumption that the Judge considered all of the evidence. The Judge’s 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). *See also* Directive, Enclosure 2 ¶ 2(b): “Any doubt concerning personnel being considered for access to classified information will be resolved in favor of the national security.”

Order

The Judge’s adverse security clearance decision 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