

KEYWORD: Guideline F

DIGEST: The record supports a conclusion that Judge examined the relevant data and articulated a satisfactory explanation for the decision. Adverse decision affirmed.

CASENO: 11-06157.a1

DATE: 11/20/2012

DATE: November 20, 2012

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In Re: )  
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 ----- ) ISCR Case No. 11-06157  
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 Applicant for Security Clearance )  
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**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 27, 2012, DOHA issued a statement of reasons (SOR) advising Applicant of the basis for that decision—security concerns raised under Guideline F (Financial Considerations)

and Guideline E (Personal Conduct) of Department of Defense Directive 5220.6 (Jan. 2, 1992, as amended) (Directive). Applicant requested a decision on the written record. On September 28, 2012, 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 raised the following issues on appeal: whether the Judge failed to consider all of the record evidence; whether the Judge mis-weighed the record evidence; and whether the Judge's decision was arbitrary, capricious, or contrary to law. The Judge's favorable findings under Guideline E are not at issue in this appeal. Consistent with the following, we affirm.

The Judge made the following pertinent findings of fact: Applicant is an administrative specialist for a Defense contractor. She has about \$25,000 in delinquent debt. She has attributed her financial problem to her husband's unemployment. Although he lost his job in 2009 and has not been able to find other employment, Applicant and her husband went on a tropical cruise in late 2009. In the Analysis, the Judge resolved one of the SOR allegations in her favor, but he found against her for the remaining six. In concluding that Applicant had not met her burden of persuasion as to mitigation, the Judge cited to a paucity of record evidence showing a track record of debt repayment. He also cited to Applicant's cruise, which occurred five months after her husband's unemployment, as undermining her case for mitigation.

Applicant cites to record evidence, such as her efforts at debt repayment, her recently having been approved for social security payments, etc. A Judge is presumed to have considered all of the evidence in the record, and Applicant's brief is not sufficient to rebut that presumption. Neither has she demonstrated that the Judge's decision runs contrary to the weight of the record evidence. *See, e.g.,* ISCR Case No. 11-03403 at 2 (App. Bd. Aug. 23, 2012). The record supports a conclusion that the Judge examined the relevant data and articulated a satisfactory explanation for the decision. 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). *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 decision is AFFIRMED.

Signed: Jeffrey D. Billett  
Jeffrey D. Billett  
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