

arbitrary, capricious, or contrary to law. Consistent with the following, we affirm.

The Judge's Findings of Fact

Applicant served in the military, retiring in 2003, after which he began working for his current employer, a Defense contractor. He has held a clearance since he was in the military. Applicant and his wife separated in 2008 and went through a contentious and costly divorce and custody battle. The decree of divorce was entered in mid-2016, and Applicant was awarded custody of their child. Applicant did not pay his bills and taxes during the separation and divorce.

Applicant filed for Chapter 13 bankruptcy protection twice, and both times it was dismissed. He claimed that he had to dismiss the second action in order to proceed with the divorce. During the pendency of the second bankruptcy, nearly \$41,000 was disbursed to the IRS, but none of the other creditors received anything.

Applicant's SOR alleges the two bankruptcy cases and numerous other debts. Applicant's debts include \$59,000 owed to the IRS and about \$108,000 owed to other creditors. Applicant earns about \$102,000 a year in addition to his military retirement. He has about \$79,000 in a retirement account. Except for payments that he made to the IRS, he has resolved none of the SOR debts, including a \$65 returned check to a pizza restaurant.

Applicant contends that, now that his divorce is final, he can pay his debts. He states that he is making payments on an installment plan with the IRS and that his tax issues have been resolved. The Judge found, however, that the evidence did not support this last assertion. He stated that Applicant did not provide evidence of how much he paid through the installment agreement before it was terminated. His final property settlement from his divorce action required him to pay his Federal income taxes for 2009 through 2014. The Judge did not find credible Applicant's post-hearing claim that he had reduced his IRS debt to about \$45,000.

The Judge's Analysis

The Judge found that two of the allegations were duplicates of one another and that other SOR debts were either not established or were of doubtful security significance. However, for the majority of Applicant's debts, including the one to the IRS, he entered adverse formal findings. Though noting Applicant's marital problems, which were beyond Applicant's control, he concluded that Applicant had not acted responsibly under the circumstances. He stated that Applicant's problems were recent and ongoing and that he had not made a good-faith effort to pay his debts. He also stated that amounts Applicant owes the IRS are increasing, insofar as he is not paying his taxes in the year that they become due.

The Judge noted Applicant's military service, steady employment, and his divorce and custody case. However, he stated that Applicant is now actually in worse shape financially than he was when he filed for bankruptcy protection. He stated that Applicant's tax debts will never be solved unless he changes his habit of not paying them when due.

Discussion

Applicant cites to record evidence, such as his contentious divorce, his having custody of his son, his service in the military, his employment record, his having held a clearance for many years without incident or concern, and his effort to reduce his debts. He argues that he has mitigated the concerns arising from his financial problems. The Judge made findings about the matters Applicant has cited in his appeal and discussed it in his analysis. Applicant has not rebutted the presumption that the Judge considered all of the evidence in the record, nor has he shown that the Judge misweighed the evidence. *See, e.g.*, ISCR Case No. 14-05795 at 2-3 (App. Bd. Apr. 26, 2016).

The Judge examined the relevant evidence and articulated a satisfactory explanation for the decision. The 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 Decision is **AFFIRMED**.

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

Signed: James E. Moody
James E. Moody
Administrative Judge
Member, Appeal Board

Signed: James F. Duffy
James F. Duffy
Administrative Judge
Member, Appeal Board