

KEYWORD: Guideline F

DIGEST: Applicant's brief cites to evidence about the effect that Hurricane Katrina had on his finances and about his efforts at debt resolution. He argues that the Judge did not properly employ the whole-person concept. The Judge made findings about Applicant's circumstances, including the hurricane. Applicant has not rebutted the presumption that the Judge considered all of the evidence in the record, nor has he shown that the Judge mis-weighed the evidence. The Judge's whole-person analysis complies with the requirements of Directive, in that the Judge considered the totality of the evidence in reaching her decision. Adverse decision affirmed.

CASENO: 14-03964.a1

DATE: 11/18/2016

DATE: November 18, 2016

In Re:)	
)	
-----)	ISCR Case No. 14-03964
)	
Applicant for Security Clearance)	

APPEAL BOARD DECISION

APPEARANCES

FOR GOVERNMENT

James B. Norman, Esq., Chief Department Counsel

FOR APPLICANT

Pro se

The Department of Defense (DoD) declined to grant Applicant a security clearance. On February 13, 2015, DoD 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 July 8, 2016, after considering the record, Defense Office of Hearings and Appeals (DOHA) Administrative Judge Darlene D. Lokey Anderson denied Applicant’s request for a security clearance. Applicant appealed pursuant to Directive ¶¶ E3.1.28 and E3.1.30.

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

The Judge’s Findings of Fact

Applicant is separated from his spouse. He has five children and a step-child. He served in the military, achieving the rank of E-5. Applicant is seeking a clearance in connection with his employment by a Defense contractor.

Applicant’s SOR lists twelve delinquent debts, for such things as an account at a university, a broken lease, a state tax lien, a repossessed vehicle, etc. He stated that he was working to resolve his debts, and he disputes some of them. He did not provide evidence of the basis for any disputes, however. Applicant attributed his financial problems to Hurricane Katrina, his divorce, expenses associated with relocating, and the death of his father. He noted that he had worked out of state, living in a hotel when working and commuting on weekends, which caused his most recent delinquent debts.

The Judge’s Analysis

Though acknowledging circumstances outside Applicant’s control that affected his financial problems, the Judge concluded that he had not demonstrated responsible action. She stated that he had not provided corroboration for his claims of debt resolution, as a consequence of which he had not demonstrated a track record of debt payment. She stated that he appeared to have ignored his debts until recently.

Discussion

Applicant’s brief contains matters from outside the record, including at least two documents that post-date the Judge’s decision. We cannot consider new evidence on appeal. Directive ¶ E3.1.29. Applicant’s brief cites to evidence about the effect that Hurricane Katrina had on his finances and about his efforts at debt resolution. He argues that the Judge did not properly employ the whole-person concept.

The Judge made findings about Applicant’s circumstances, including the hurricane. Applicant has not rebutted the presumption that the Judge considered all of the evidence in the record, nor has he shown that the Judge mis-weighed the evidence. *See, e.g.*, ISCR Case No. 14-05795 at 2-3 (App. Bd. Apr. 26, 2016). Moreover, the Judge’s whole-person analysis complies with the requirements of Directive ¶ 6.3, in that the Judge considered the totality of the evidence in reaching her decision. *See, e.g.*, ISCR Case No. 15-00424 at 2-3 (App. Bd. Apr. 20, 2016).

The Judge examined the relevant data 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 Ra’anan
Michael Ra’anan
Administrative Judge
Chairperson, Appeal Board

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

Signed: William S. Fields
William S. Fields
Administrative Judge
Member, Appeal Board