

KEYWORD: Guideline F

DIGEST: Applicant has several delinquent debts. Applicant attributed her problems to several periods of unemployment. Her credit reports show that her debts were incurred over a number of years. She did not provide information about how much, if any, of her savings she utilized for debt payment. The Judge found that two of the nine SOR debts were either resolved or were being resolved. For the remainder, however, he found that they have not been paid. Adverse decision affirmed.

CASENO: 15-01588.a1

DATE: 06/17/2016

DATE: June 17, 2016

In Re:)	
)	
-----)	ISCR Case No. 15-01588
)	
Applicant for Security Clearance)	
)	

APPEAL BOARD DECISION

APPEARANCES

FOR GOVERNMENT

James B. Norman, Esq., Chief Department Counsel

FOR APPLICANT

Shirin Shokrollahi, Esq.

The Department of Defense (DoD) declined to grant Applicant a security clearance. On September 1, 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 March 31, 2016, after considering the record, Defense Office of Hearings and Appeals (DOHA) Administrative Judge Philip S. Howe 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 erred in his application of the mitigating conditions and whether the Judge’s whole-person analysis was erroneous. Consistent with the following, we affirm.

The Judge’s Findings of Fact

Applicant has several delinquent debts, for credit cards, cable television services, etc. Applicant attributed her problems to several periods of unemployment. She also stated that she suffered an unspecified financial hardship. Her credit reports show that her debts were incurred over a number of years, including some when she was unemployed. Applicant traveled outside the U.S. in 2006 and again in 2007. She did not disclose how much she spent on these trips. She did not provide information about how much, if any, of her savings she utilized for debt payment. The Judge found that two of the nine SOR debts were either resolved or were being resolved. For the remainder, however, he found that they have not been paid. Applicant provided no evidence that she had received credit counseling.

The Judge’s Analysis

The Judge concluded that Applicant had not provided enough evidence to mitigate the concerns raised by her financial problems. He stated that, over time, Applicant had incurred debts that she had no reasonable hope of paying, and she went on vacations and spent money that could have been used for debts resolution.

In the whole-person analysis, the Judge reiterated that Applicant had failed to resolve all but two of her debts, leaving her vulnerable to pressure, coercion, exploitation, or duress based on the extent of her financial problems. He stated that she showed poor judgment by incurring the debts and then by failing to pay them over a course of several years.

Discussion

Applicant’s brief cites to matters that are not included in the record. We cannot consider new evidence on appeal. Directive ¶ E3.1.29. Applicant cites to record evidence that she believes supports her case for a clearance. However, her arguments are not enough to rebut the presumption that the Judge considered all of the evidence in the record or to show that the Judge weighed the evidence in a manner that was arbitrary, capricious, or contrary to law. *See, e.g.*, ISCR Case No.

14-05795 at 2, 3 (App. Bd. Apr. 26, 2016). We conclude that 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 his 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