

KEYWORD: Guideline F

DIGEST: In the appeal brief, Applicant argues that he is making specific payments on certain debts, some debts have been paid, and others do not appear on his credit report. In support of those arguments, he presented documents from creditors and a credit report that had not been previously presented to the Judge. Those documents and his arguments based on those documents constitute new evidence that the Appeal Board cannot consider. See Directive ¶ E3.1.29. Adverse decision affirmed.

CASENO: 15-02585.a1

DATE: 12/20/2016

DATE: December 20, 2016

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| In Re: |) | |
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| Applicant for Security Clearance |) | ISCR Case No. 15-02585 |

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 November 9, 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 September 29, 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 the Directive ¶¶ E3.1.28 and E3.1.30.

The SOR alleged that Applicant had 12 delinquent debts totaling about \$14,000 and that he failed to file and pay his state and Federal income taxes for 2010. In his Answer to the SOR, Applicant admitted all of the SOR allegations with the exception of one debt of approximately \$900, stated he was making payments on three of the debts, including the Federal tax debt, and indicated that he paid off the state tax debt. In the decision, the Judge found that Applicant failed to submit documentation showing payments on any of the alleged debts. It is reasonable for Judges to expect applicants to present documentation about the satisfaction of individual debts. *See, e.g.*, ISCR Case No. 07-10310 at 2 (App. Bd. Jul. 30, 2008).

In the appeal brief, Applicant argues that he is making specific payments on certain debts, some debts have been paid, and others do not appear on his credit report. In support of those arguments, he presented documents from creditors and a credit report that had not been previously presented to the Judge. Those documents and his arguments based on those documents constitute new evidence that the Appeal Board cannot consider. *See* Directive ¶ E3.1.29.

Applicant has failed to identify any harmful error. The Judge examined the relevant evidence and articulated a satisfactory explanation for the decision. The decision is sustainable on the 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: James F. Duffy

James F. Duffy
Administrative Judge
Member, Appeal Board