

Applicant raised the following issues on appeal: whether the Judge's findings of fact contained errors and whether the Judge weighed the evidence in a manner that was arbitrary, capricious, or contrary to law. Consistent with the following, we affirm.

The Judge's Findings of Fact

Applicant has been employed by a Defense contractor since 2010. He served in the military from 1995 to 2005 and has held a security clearance in the past. He divorced his wife in 2008. Including his time in the military, he has worked for the Federal Government for 20 years, and served in the Pentagon on September 11, 2001. He has experienced some difficult circumstances, such as a divorce, his girlfriend's health problems, a job loss, and a diminution in income. Applicant's SOR lists several delinquent debts, for such things as a mortgage account nearly \$21,700 past-due; a delinquent education loan nearly \$16,700; and other consumer debts. He asserted that he had not been successful in refinancing the mortgage and that he intends to sever all financial ties to his ex-wife. Applicant provided no independent information about the status of his debts or about efforts to resolve them.

The Judge's Analysis

Applicant has been working full-time since 2010. Despite circumstances outside his control that affected his financial situation, Applicant provided no information of responsible action. There is no documentary evidence to show what steps Applicant may have taken to address his debts, nor is there evidence of his current financial condition. Applicant's problems are recent and ongoing, and there is insufficient evidence of good-faith efforts to resolve his problems.

Discussion

Much of Applicant's brief consists of matters from outside the record, including a document that post-dates the Decision. We cannot consider new evidence on appeal. Directive ¶ E3.1.29. Applicant challenges the Judge's finding about the \$16,700 education loan. He states that this was actually an automobile loan which has been resolved. We find this argument persuasive as to the nature of the debt. Applicant's credit reports, his clearance interview, and his Response to the File of Relevant Material (FORM) identify this as a car loan. In his FORM Response, Applicant mentioned an education loan for an unspecified amount, which may be the basis for the Judge's finding. In any event, even though the Judge erred, it is not likely that he would have produced a different decision had the error not occurred. Applicant's FORM Response supplied no corroboration for his claim that he was addressing the debt. Therefore, the error is harmless. *See, e.g.,* ISCR Case No. 14-03601 at 3 (App. Bd. Jul. 1, 2015). Otherwise, the Judge's material findings are based upon "such relevant evidence as a reasonable mind might accept as adequate to support a conclusion in light of all the contrary evidence in the same record." Directive ¶ E3.1.32.1.

The balance of Applicant's brief reiterates evidence about his divorce, his ex-wife's effect on his financial condition, his service to his country, and his determination to resolve his debts. The Judge made findings about these things. Applicant's brief is not sufficient 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. 14-06686 at 2 (App. Bd. Apr. 27, 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: James E. Moody
James E. Moody
Administrative Judge
Member, Appeal Board

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

Signed: Catherine M. Engstrom
Catherine M. Engstrom
Administrative Judge
Member, Appeal Board