



a manner that was arbitrary, capricious, or contrary to law. Consistent with the following, we affirm.<sup>1</sup>

### **The Judge's Findings of Fact**

The SOR lists 17 delinquent debts totaling about \$19,000. In his Answer to the SOR, Applicant admitted most of the delinquent debts. Record evidence establishes two of the alleged debts are duplicates and two have been paid. No evidence has been submitted showing the remaining debts have been satisfied. Applicant provided no documentation of his current financial status, budget, financial counseling, or other mitigation efforts.

### **The Judge's Analysis**

The Judge concluded that no mitigation is appropriate. Besides the two duplicate debts and two paid debts, the other debts remain unresolved. Applicant's efforts are inadequate to demonstrate that his financial situation is under control, and he is willing and able to resolve his delinquent debts.

### **Discussion**

Applicant's brief includes documents that post-date the Judge's decision. We cannot consider such new evidence on appeal. Directive ¶ E3.1.29.

Applicant contends that the information in the SOR is inaccurate and the Judge based his decision on non-factual information. We do not find this argument persuasive. The Judge's material findings about the delinquent debts were based on substantial evidence, including Applicant's admissions, his security clearance application, and credit reports. *See, e.g.*, ISCR Case No. 14-02154 at 3 (App. Bd. Apr. 25, 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**.

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<sup>1</sup> While the case was pending before the Board, a second brief arrived from Applicant. The parties are only entitled to one brief. The Board's decision relies on the first brief we received.

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