

KEYWORD: Guideline F

DIGEST: The Judge made findings about Applicant’s favorable character evidence and discussed it in his analysis. Given the record that was before him, we cannot say that the Judge weighed the evidence in a manner that was arbitrary, capricious, or contrary to law. Adverse decision affirmed.

CASENO: 15-00729.a1

DATE: 06/13/2017

DATE: June 13, 2017

In Re:  -----  Applicant for Security Clearance	) ) ) ) ) ) )	ISCR Case No. 15-00729
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**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 August 3, 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 hearing. On March 22, 2017, after the hearing, Defense Office of Hearings and Appeals (DOHA) Administrative Judge John Grattan Metz, Jr., 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 has worked for her current employer, a Defense contractor, since 2013. She has held a clearance since 2005. She has four delinquent debts totaling about \$92,000. Most of this is for education loans she co-signed for her son. One allegation is a credit card account that she co-signed for him. Her son graduated from college in 2014 and has been gainfully employed since 2015.

Applicant acknowledged the accounts during her 2013 clearance interview but stated that she did not know that they were delinquent. Her son acknowledged that the education debts were his but stated that he was not able to pay more than \$35 a month for one account and \$75 a month for another. Applicant and her husband have made payments from time to time on the education loans, but they have not done so in a regular basis. Her position is that her son is responsible for his debts, for which he is the primary obligor.

Applicant's supervisor and colleagues commend her honesty and trustworthiness and recommend that she receive a clearance. Applicant has received no financial counseling and did not submit a budget. She had a \$2,300 positive cash flow in January 2015, which has improved since.

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

The Judge characterized Applicant's financial problems as multiple and recent. He stated that, given her son's checkered history of addressing his debts, Applicant's security concerns cannot be described as unlikely to recur. He stated that Applicant's failure to press for a resolution of these debts is lacking in responsibility. She has received no financial counseling and has not demonstrated that the debts are being resolved. What efforts she has undertaken occurred after she received the SOR. The Judge stated that Applicant's favorable character evidence was not sufficient to outweigh the concerns arising from her financial problems.

### **Discussion**

Applicant acknowledges that the debts in question have been in default at times. She argues that she has been working to resolve these debts. She states that she has never been neglectful of her duties or engaged in questionable judgment, as evidenced by her unblemished record. Applicant's arguments are not enough to rebut the presumption that the Judge considered all of the evidence in the record. *See, e.g.*, ISCR Case No. 13-00502 at 3 (App. Bd. Mar. 7, 2017). The Judge made findings about Applicant's favorable character evidence and discussed it in his analysis. Given the record that was before him, we cannot say that the Judge weighed the evidence in a manner that was arbitrary, capricious, or contrary to law. *See, e.g.*, ISCR Case No. 15-08842 at 3 (App. Bd. Feb. 14, 2017). The Directive contemplates that even those with good prior records can encounter circumstances in which their ability to protect classified information might be called in question. *See, e.g.*, ISCR Case No. 14-02995 at 2 (App. Bd. Apr. 7, 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**.

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