

KEYWORD: Guideline F

DIGEST: The Judge noted evidence that Applicant believed that his mortgage loans for the house were bad for him. However, she noted his statement that he had the means to address his delinquent debts but believes that he is not responsible for doing so. She stated that merely because applicant decided that the loans for the house were not in his favor he was not justified in ignoring them. Adverse decision affirmed.

CASENO: 15-00906.a1

DATE: 07/19/2017

DATE: July 19, 2017

In Re:)	
)	
-----)	ISCR Case No. 15-00906
)	
Applicant for Security Clearance)	

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 March 16, 2016, 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 May 25, 2017, after considering the record, Defense Office of Hearings and Appeals (DOHA) Administrative Judge Noreen A. Lynch 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 financed a house that had a high interest rate. When the economy faltered, Applicant found that he owed more on the house than it was worth. He tried to get a loan modification but was denied. Upon "the advice of several people" Applicant stopped making payments. Decision at 2. Eventually he found a buyer for a short sale. Applicant provided no corroboration for his claim that the first mortgage was resolved through the short sale. His credit report shows that the second mortgage had been charged off. Applicant's credit report also shows a delinquent account for nearly \$700. Applicant claimed that it was closed.

The Judge's Analysis

The Judge noted evidence that Applicant believed that his mortgage loans for the house were bad for him. However, she noted his statement that he had the means to address his delinquent debts but believes that he is not responsible for doing so. She stated that merely because applicant decided that the loans for the house were not in his favor he was not justified in ignoring them. Applicant served in the military from 1994 to 2002 and has held a clearance since 2004.

Discussion

Applicant's brief provides context for his financial difficulties, and he argues that he is not the kind of person who would fail to pay his debts. He believes that his statements as reflected in the record did not put him in a sufficiently favorable light. He also cites to his military service and to his having held a clearance for many years. Applicant has not rebutted the presumption that the Judge considered all of the evidence in the record, nor has he shown that the Judge weighed the evidence in a manner that was arbitrary, capricious, or contrary to law. *See, e.g.*, ISCR Case No. 13-00502 at 3 (App. Bd. Mar. 7, 2017).

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, Encl. 2 App. A ¶ 2(b): "Any doubt concerning personnel being considered for national security eligibility 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