

KEYWORD: Guideline F

DIGEST: Applicant has not shown that the Judge weighed the evidence in a manner that was arbitrary, capricious, or contrary to law. Adverse decision affirmed.

CASE NO: 15-00778.a1

DATE: 04/05/2017

DATE: April 5, 2017

In Re: ----- Applicant for Security Clearance)))))))	ISCR Case No. 15-00778
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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 October 30, 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 January 23, 2017, after the hearing, Defense Office of Hearings and Appeals (DOHA) Administrative Judge David M. White 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's SOR alleges twelve delinquent debts. They are substantiated by Applicant's admissions to the SOR and by the contents of his credit reports. One of the allegations, a Federal tax lien for about \$2,280, had grown to nearly \$39,000 by the time of his most recent credit report. Applicant presented no evidence that he had addressed his debts. He submitted an account statement regarding a medical debt, but the account number does not match any of those contained in the SOR. He also submitted an offer in compromise to the IRS. However, it is unsigned, and there is no indication that it had actually been submitted for approval. Moreover, this document states that Applicant's monthly expenditures exceed his income. The Judge found that Applicant had not sought financial counseling and "essentially did nothing to pursue resolution of any of his alleged delinquencies since receiving his SOR." Decision at 3.

The Judge's Analysis

The Judge stated that there is no evidence that Applicant's delinquencies are due to causes outside his control or that he has acted responsibly in regard to them. Though noting Applicant's years of service to the U.S., the Judge stated that Applicant's history of financial irresponsibility indicates that his problems are more likely to get worse than better.

Discussion

Applicant challenges the Judge's conclusion that he had done little if anything to resolve his debts. He cites to the medical account statement and the offer in compromise as evidence that he is attempting to address his financial problems. He advises that he had not received statements regarding other medical debts during the time that the Judge allotted. He contends that he is doing everything he can to get his financial house in order. However, the Judge's treatment of the cited documents is consistent with the record that was before him. Applicant has not shown 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). Even if the evidence that Applicant cited in his appeal brief demonstrates some movement toward financial responsibility, it does not undermine the Judge's analysis of Applicant's significant history of delinquent debt, in particular his growing debt to the IRS.

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: James F. Duffy
James F. Duffy
Administrative Judge
Member, Appeal Board