



Applicant raised the following issue on appeal: whether the Judge failed to evaluate Applicant's case in light of the record as a whole. Consistent with the following, we affirm.

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

Applicant has been employed by a Defense contractor since 1986. She seeks to retain a clearance that was most recently granted in 2007. Applicant's SOR lists several delinquent debts. It also alleges that she failed to file Federal income tax returns for tax years 2012 through 2014. She advised her clearance investigator that her failure to have done so was due to the demands of her job and to her lack of organization. She also experienced stressful medical problems in 2012 and 2013. After receiving the SOR, Applicant satisfied or resolved her debts. Her accountant filed her delinquent income tax returns in mid-January 2016.

Applicant has completed an on-line financial education course. Her personal financial statement reports monthly discretionary income of \$3,194. Her annual salary is about \$138,000. Applicant enjoys an excellent reputation for integrity and for her work ethic.

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

The Judge resolved Applicant's delinquent debts in her favor. She entered adverse findings regarding Applicant's failure to have filed her tax returns. The Judge concluded that there was no nexus between the various stressors that Applicant had experienced and her failure to file her returns. She stated that Applicant's failure to file returns for three years suggests that Applicant was unwilling or unable to accept responsibility for her legal obligations. The Judge cited to evidence that Applicant continues to blame her problem on disorganization and exhaustion from her job, in support of the Judge's conclusion that Applicant had failed to show responsible action.

In the whole-person analysis, the Judge noted evidence of Applicant's educational attainments, her reputation for attention to detail at work, and her having held a clearance for most of her career. However, she also stated that Applicant had been aware of the security significance of her tax problem by late 2012 yet did nothing to make resolving the issue a priority.

### **Discussion**

Applicant contends that the Judge did not evaluate her case in light of the record as a whole, citing to evidence that she believes the Judge ignored, such as her unique personal circumstances, her character references, etc. The Judge made detailed findings about these things and discussed them in her analysis. Applicant has not rebutted the presumption that the Judge considered all of the evidence in the record. Neither has she 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 complied with the requirements of the Directive in that she considered Applicant's security concerns in light of the entirety of the evidence. *See, e.g.*, ISCR Case No. 14-06653 at 3 (App. Bd. Nov. 18, 2016). Applicant cites to a Hearing Office case that she believes supports her effort to retain her clearance. We give this case due consideration as persuasive authority. However, each case must be decided on its own merits, and Hearing Office cases are not

binding on other Hearing Office Judges or on the Appeal Board. *See, e.g.*, ISCR Case No. 15-01416 at 3 (App. Bd. Nov. Feb. 15, 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, 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 Y. Ra’anan  
Michael Y. 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