

KEYWORD: Guideline F

DIGEST: Applicant has not rebutted the presumption that the Judge considered all of the evidence in the record. Adverse decision affirmed.

CASENO: 15-02050.a1

DATE: 06/12/2017

DATE: June 12, 2017

In Re:)	
)	
-----)	ISCR Case No. 15-02050
)	
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 October 21, 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 24, 2017, after the hearing, Defense Office of Hearings and Appeals (DOHA) Administrative Judge Arthur E. Marshall, 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 and Analysis

Single with two children, Applicant has worked for her present employer for about a year. She makes around \$1,500 every two weeks, which is a significant reduction from the \$3,000 she earned each pay period up until 2009, when she lost her job. She was out of work for about nine months, but her subsequent employment entailed significant fluctuations in her pay rate. Because of these circumstances, Applicant began experiencing financial difficulties.

Applicant has numerous delinquent debts. For example, she has several judgments against her resulting from evictions from two apartment complexes, a vehicle repossession, and numerous collection accounts for telecommunication services, medical expenses, etc. The Judge found that Applicant had not provided evidence of debt resolution. He stated that Applicant had failed to present documentary evidence in support of her dispute of certain debts or her claim to have attempted to resolve her financial problems.

Discussion

Applicant reiterates her testimony about her effort at debt resolution. She also discusses matters that she believes provides context for her financial difficulties, such as her status as a single mother, her unemployment, and her claim that she did not owe certain debts alleged in the SOR. 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). Applicant states that her brief contains additional information concerning her financial condition. However, we cannot consider new evidence on appeal. Directive ¶ E3.1.29.

The Judge examined the relevant evidence and articulated a satisfactory explanation for the decision, principally that Applicant had not corroborated her testimony with documentary evidence.¹ 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.”

¹“The record was held open through September 6, 2016, to afford Applicant the opportunity to submit documentation . . . With no additional materials submitted, the record was closed[.]” Decision at 2.

Order

The Decision is **AFFIRMED**.

Signed: William S. Fields

William S. Fields

Administrative Judge

Member, 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