



The Department of Defense (DoD) declined to grant Applicant a security clearance. On October 22, 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 decision on the written record. On January 30, 2017, after considering the record, Defense Office of Hearings and Appeals (DOHA) Administrative Judge Roger C. Wesley denied Applicant’s request for a security clearance. Applicant appealed pursuant to Directive ¶¶ E3.1.28 and E3.1.30.

Applicant raised the following issues on appeal: whether the Judge’s findings are supported by substantial evidence and whether the Judge’s adverse decision is arbitrary, capricious, or contrary to law. Consistent with the following, we affirm.

### **The Judge’s Findings of Fact**

Applicant acquired a substantial amount of delinquent debt from 2010 to 2012. During this period he engaged in “intermittent part-time work.” Decision at 2. His debts included a state tax lien for tax years 2008 and 2009, which the Judge found that he had satisfied through wage garnishment and refunds from other tax returns. Applicant provided no evidence that he had resolved the remaining debts.

### **The Judge’s Analysis**

The Judge stated that Applicant’s debts are fully documented in the credit reports included in the record, resolving the tax lien in Applicant’s favor but entering adverse findings for the remainder of the debts alleged in the SOR. He noted Applicant’s limited employment, which was a circumstance outside his control that affected his financial condition. However, the Judge concluded that Applicant had not shown responsible action in regard to his debts once he attained a suitable job. In the whole-person analysis the Judge reiterated that Applicant had demonstrated no effort at debt resolution and observed that the tax lien was paid through involuntary means such as garnishment.

### **Discussion**

Applicant contends that the Judge erred in finding that he had not resolved his debts and challenged the statement to the effect that his debts were documented in his credit reports. He also argues that the Judge erred in concluding that he had demonstrated no effort at resolving his debts. Applicant’s brief includes information from outside the record, which we cannot consider. Directive ¶ E3.1.29.

The SOR alleged sixteen debts, one of which, the tax lien that the Judge resolved in his favor, Applicant denied in his Response to the SOR. Applicant’s Response also stated that he was not aware of certain debts or that some were duplicates of others. However, Applicant admitted ten of the SOR debts, including their delinquent status. In addition to these admissions, the two credit reports describe each of the debts alleged against Applicant, along with their status as, *e.g.*,

delinquent, in collection, etc. Applicant's Response to the File of Relevant Material (FORM) included several documents pertaining to his tax liabilities and one from a creditor offering to settle one of Applicant's debts. Applicant provided no information about whether he accepted this offer, paid the debt, etc. The Judge's challenged statements are consistent with the record evidence. If Applicant believed that there was more up-to-date information that the Judge should consider, it was his responsibility to have provided it in Response to the FORM. See Directive ¶ E3.1.15, which assigns to the applicant the duty to provide evidence in rebuttal, explanation, mitigation, etc. The Judge's material findings are supported by substantial evidence or constitute reasonable inferences from the evidence. See, e.g., ISCR Case No. 15-01285 at 3 (App. Bd. Dec. 22, 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: James F. Duffy  
James F. Duffy  
Administrative Judge  
Member, Appeal Board