

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 weighed the evidence in a manner that was arbitrary, capricious, or contrary to law. Consistent with the following, we affirm.

The Judge's Findings of Fact and Analysis

Applicant's 11 delinquent debts total approximately \$42,000. Some date back to 2010. Applicant presented no documentary evidence of any payments toward those debts. They are ongoing and unresolved. Between early 2009 and mid-2014, he attended college and was unemployed or employed part time; however, there is insufficient evidence to conclude that he acted responsibly to address his delinquent debts or to develop and implement a reasonable debt repayment plan. There is neither evidence of credit counseling nor clear indications that his financial situation is under control. To the extent that he disputes a collection account and two delinquent rent accounts, there is no reasonable explanation for the disputes or documentation to corroborate his claims.

Discussion

Applicant's appeal brief includes information that was not presented to the Judge for consideration. We cannot consider new evidence on appeal. Directive ¶ E3.1.29.¹

The balance of Applicant's arguments amount to a disagreement with the Judge's weighing of the evidence, which is not sufficient to show that the Judge weighed the evidence in a manner that is arbitrary, capricious, and contrary to law. *See, e.g.*, ISCR Case No. 14-06440 at 4 (App. Bd. Jan. 8, 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."

¹ Applicant contends that the information he is providing in his appeal brief is not new evidence, but support for information previously submitted and articulated in his response to interrogatories. We do not find this argument persuasive. The record does not contain either interrogatories or a response to them. Even if he is referring to his Response to the SOR, instead of interrogatories, his argument still does not have merit because much of the information he is presenting was not previously submitted to the Judge for consideration.

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